



LAWS

OF THE

Commonwealth of Massachusetts,

PASSED AT THE SEVERAL

SESSIONS OF THE GENERAL COURT,

BEGINNING MAY, 1818.....AND ENDING FEBRUARY, 1822.

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.....
1822.

L A W S

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON THE 27th DAY OF
MAY, AND ENDED ON THE 13th OF JUNE, 1818.

CHAP. I.

An Act for continuing in force “An act respecting the
Courts of Probate in the county of Norfolk.”

BE it enacted by the Senate and House of
Representatives, in General Court assembled, and by
the authority of the same, That an act, entitled “An
act respecting the Courts of Probate in the county of
Norfolk,” passed on the fourteenth day of June, in the
year of our Lord one thousand eight hundred and six-
teen, be, and the same is hereby continued in force,
until repealed by the Legislature : *Provided however,*
that there shall be, hereafter, three terms only of said
Court of Probate, holden in the first parish in Wren-
tham, in each year, successively, at such times as the
Judge of Probate for said county shall appoint.

[Approved by the Governor, June 6, 1818.]

CHAP. II.

An Act in further addition to "An act establishing a law term of the Supreme Judicial Court to be holden within and for the counties of Plymouth and Bristol."

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the counties of Barnstable and Dukes' County shall be and they hereby are annexed to the law circuit of the Supreme Judicial Court, now held at Plymouth and Taunton for the counties of Plymouth and Bristol, alternately and annually. And all the provisions, privileges, duties and requirements, contained in "an act establishing a law term of the Supreme Judicial Court to be holden within and for the counties of Plymouth and Bristol," passed on the second day of March, in the year of our Lord one thousand eight hundred and fifteen; also, in an act, entitled "an act in addition to the act establishing a law term of the Supreme Judicial Court within and for the counties of Plymouth and Bristol," passed on the twenty-fourth day of January, in the year of our Lord, one thousand eight hundred and sixteen, shall extend to, and operate upon all actions, suits, processes, and matters and things, now by law to be heard, tried and acted on, in the Supreme Judicial Court to be held at Barnstable, in the county of Barnstable, and for the counties of Barnstable and Dukes' County, and which may hereafter arise and happen within the same counties of Barnstable and Dukes' County, in the same way and manner as if the said counties of Barnstable and Dukes' County had been named and included in the aforesaid acts, and in the same way and manner as the same provisions, privileges, duties, and requirements, now by law, extend to, and operate upon all actions, suits, processes, and matters and things, to be heard, tried and acted on in the Supreme Judicial Court, to be held by law at Plymouth and Taunton, for the counties of Plymouth and Bristol, annually and alternately, agreeable to the provisions of the aforesaid acts. And

Counties annexed.

all the provisions, privileges, duties and requirements, contained in the acts aforesaid, as the same respects the Justices of the Supreme Judicial Court, their Clerks, and all other officers of the counties of Plymouth and Bristol, shall extend to the said Justices, the Clerk of the Supreme Judicial Court for the county of Barnstable, and such other officers in the counties of Barnstable and Dukes' County, in the same way and manner, as they now by law extend to them, in the counties of Plymouth and Bristol, by virtue of the acts aforesaid.

SEC. 2. *Be it further enacted*, That from and after the first day of August next, the term of the Supreme Judicial Court, which, by the first section of the act, entitled "An act establishing a law term of the Supreme Judicial Court to be holden within and for the counties of Plymouth and Bristol," passed on the second day of March, in the year of our Lord one thousand eight hundred and fifteen, is therein provided to be holden annually, alternately at Plymouth, in the county of Plymouth, and at Taunton, in the county of Bristol, on the second Tuesday in July, shall be annually held at Plymouth, in the county of Plymouth, and for the counties of Plymouth, Bristol, Barnstable and Dukes' County, on the second Tuesday in July.

Times of holding Courts.

[Approved by the Governor, June 12, 1818.]

CHAP. III.

An Act in addition to the act, entitled "An act for the more effectually preventing of Trespasses in divers cases."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, if any person shall enter upon any grass land, orchard or garden, without permission from the

Fines.

owner thereof, with intent to cut, destroy, take, or carry away, any grass, hay, fruit, or vegetables, with the intent to injure or defraud such owner, each person, so offending, shall forfeit and pay, for every such offence, a sum not less than two dollars, nor more than ten dollars, to the use of the Commonwealth, to be recovered on complaint before any Justice of the Peace of the county in which the offence shall be committed ; and the persons so offending shall also be liable in damages to the party injured.

Penalties.

SEC. 2. *Be it further enacted*, That from and after the passing of this act, if any person, having entered upon any grass land, orchard or garden, shall take therefrom, without permission of the owner thereof, and with the intent to injure and defraud such owner, any grass, hay, fruit, vegetable, or shrub, cultivated thereon for ornament or use, such person, so offending, shall forfeit and pay, for each offence, to the use of the Commonwealth, a sum not less than five, nor more than fifty dollars, to be recovered by indictment, or information, before the Circuit Court of Common Pleas, in the county where such offence shall be committed, or the Municipal Court of the town of Boston, if such offence be committed in the county of Suffolk ; and the person, so offending, shall be also liable to the party injured, in a sum equal to three times the value of such grass, hay, fruit, vegetable, or shrub, to be recovered by action of the case in any Court of competent jurisdiction.

Forfeitures.

SEC. 3. *Be it further enacted*, That any person, who having entered upon any grass land, field or orchard, shall, without permission of the owner thereof, and with the intent to injure him, break, bruise, cut, mutilate, injure, or destroy, any fruit tree, tree for ornament or shade, or shrub cultivated thereon, for ornament or use, and which shall be standing or growing thereon, such person so offending, shall forfeit and pay to the use of the Commonwealth, a sum not less than ten dollars, nor more than one hundred dollars, to be recovered by indictment or information, in manner as is provided in the second section of this act.

SEC. 4. *Be it further enacted*, That if any person shall commit any of the trespasses mentioned in this

act, on the Lord's day, or in the night time, that is to say, between sun setting and sun rising, he shall be liable to double the penalties and forfeitures, the same to be prosecuted for, and recovered, in manner as before provided; and all prosecutions for breaches of this act, shall be commenced within one year from the time the offence shall be committed, or the penalties or forfeitures shall have accrued, and not afterwards.

Double Pen-
alties.

[Approved by the Governor, June 12, 1818.]

CHAP. IV.

An Act for the preservation of Bird Island, in Boston Harbour.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, no earth or stones shall be taken from the island, called Bird Island, in Boston harbour, in the county of Suffolk, without license first had and obtained of the Selectmen of the said town of Boston, for that purpose, in writing, by the person taking the same, specifying the quantity allowed to be removed, and the object of removing it. And every person, who, without permission obtained as aforesaid, shall remove any earth or stones from the said Island, in any boat, or in any ship or vessel whatsoever, shall forfeit and pay for each offence, the sum of twenty dollars, to the use of the said town, to be recovered by the Selectmen of the said town, by an action of debt, in any Court proper to try the same.

[Approved by the Governor, June 12, 1818.]

CHAP. V.

An Act to change the Names of the several persons therein mentioned.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, George Mayo Edgar of Boston, shall be allowed to take the name of Mayo Graves Edgar; that John Harris, son of the late Samuel Harris of Boston, shall be allowed to take the name of John Welch Harris; that Daniel Johnson of Boston, shall be allowed to take the name of Daniel Bridges Johnson; that John Wilkins of Boston, trader, shall be allowed to take the name of John Fox Wilkins; that Robert Breck Williams, son of Thomas Williams of Boston, shall be allowed to take the name of Robert Breck Garven Williams; that Daniel Chase Hazeltine, resident in Boston, (late of New-Hampshire,) shall be allowed to take the name of Daniel Hazeltine Chase, all of the county of Suffolk; that Benjamin Browne the third, of Salem, apothecary, shall be allowed to take the name of Benjamin F. Browne; that Josiah Newhall of Lynn, shall be allowed to take the name of Josiah Selkirk Newhall; that Jonathan Phillips of said Lynn, shall be allowed to take the name of Benjamin Jonathan Phillips, all of the county of Essex; that the name of Clementina Harrington of Southbridge be, and hereby is confirmed to her the said Clementina; that Henry Marshall Pinkney of Southborough, shall be allowed to take the name of Larkin Newton; that Lucius Paige, son of Timothy Paige, Esquire, of Hardwick, shall be allowed to take the name of Lewis Robinson Paige, all of the county of Worcester; that Elijah Hoar, of Montague, shall be allowed to take the name of Elijah Hanson, and that his several minor children shall be allowed to take the same name, viz.: Lucretia Hanson, Erastus Gunn Hanson, Morilla Hanson, Asahel Gunn Hanson, and Elisha Shaw Hanson; that William Hoar, of Deerfield, shall be allowed to

take the name of William Hanson, and that his several minor children shall be allowed to take the same name, viz.: Lucy Hanson, Ariel Hanson, Submit Hanson, Flavilla Hanson, John Milton Hanson, Caroline Hanson, Melinda Hanson, Persis Hanson, and Edwin Hanson; that John Hoar of Greenfield, shall be allowed to take the name of John Hoar Wheeler; that John Cheney of Orange, shall be allowed to take the name of John Cheney Hill, all of the county of Franklin; that Eliza Stebbins Snow of Northampton, in the county of Hampshire, shall be allowed to take the name of Eliza Snow Stebbins; that Briggs Sampson of Duxbury, in the county of Plymouth, shall be allowed to take the name of Henry Briggs Sampson; that Benjamin Sisson, of Westport, in the county of Bristol, shall be allowed to take the name of Benjamin Baylies Sisson; that Marsena Graton of Sandwich, in the county of Barnstable, shall be allowed to take the name of Alwin M. Graton; that Randolph Codman of Limerick, in the county of York, shall be allowed to take the name of Randolph Augustus Lawrence Codman. And the said several persons shall hereafter be called and known by the names, which, by this act they are severally and respectively allowed to take as aforesaid; and the same shall be considered as their only proper and legal name.

[Approved by the Governor, June 12, 1818.]

CHAP VI.

An Act to prohibit the hunting and killing of Deer, in the counties of Hampden, Hampshire and Franklin.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That, until the expiration of five years from and after the passing of this act, if any person shall hunt, chase with dog or dogs, or intentionally suffer any dog or dogs to chase, or shall kill any deer, not his own, within the counties of Hampshire,

June 12, 1818.

Hampden, or Franklin, he shall, for every such offence, forfeit the sum of twenty-one dollars, to be recovered by action of debt, in any Court proper to try the same; one moiety thereof to the use of the person suing therefor, and the other moiety thereof to the use of the town wherein such offence shall be committed.

[Approved by the Governor, June 12, 1818.]

CHAP. VII.

An Act to alter the time of holding the Boston Court of Common Pleas, within and for the county of Suffolk.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Boston Court of Common Pleas, now by law appointed to be holden at Boston, within and for the county of Suffolk, on the first Tuesday of October, annually, shall, from and after the passing of this act, be holden at Boston within and for the county of Suffolk, on the last Tuesday of September, annually.*

[Approved by the Governor, June 12th, 1818.]

CHAP. VIII.

An Act repealing an act, entitled “An act in addition to an act making provision for the holding of a term of the Supreme Judicial Court in the counties of Franklin and Hampden, and for altering the time of holding the same in the counties of Hampshire and Berkshire.”

SEC 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That an act passed on the*

seventeenth day of June, in the year of our Lord one thousand eight hundred and seventeen, entitled "An act in addition to an act making provision for the holding of a term of the Supreme Judicial Court in the counties of Franklin and Hampden, and for altering the time of holding the same in the counties of Hampshire and Berkshire," be, and the same is hereby repealed. Act repealed.

SEC. 2. *Be it further enacted*, That the Supreme Judicial Court, which shall be holden in the said county of Hampden, at their adjourned term, on the first Tuesday of September next, shall have cognizance of all crimes and offences committed within the said county of Hampden, in the same way and manner as they would have at any regular and established term of said Court, and may direct the Clerk of said Court to summon a Grand Jury to attend at the said adjourned term, if in their opinion the number of prisoners in the gaol in said county, or other circumstances, shall render it expedient or necessary. Legality of adjourned Court.

SEC. 3. *Be it further enacted*, That all appeals, which shall or may be made from any judgment, decree or sentence of the Circuit Court of Common Pleas, which shall be holden in said county of Hampden, on the fourth Monday of August next, shall be entered, have day, and be proceeded upon, at the adjourned term of the Supreme Judicial Court to be holden in said county, on the first Tuesday of September next, in the same way and manner as by law appeals may be entered and acted upon at any regular term of said Court. Legality of appeals.

[Approved by the Governor, June 12, 1818.]

CHAP. IX.

An Act to alter the times of holding the Court of Sessions in the county of Dukes' County.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the pass-

ing of this act, the Court of Sessions for the county of Dukes' County, shall be holden at Edgarton, in said county, on the Wednesday next after the third Monday of May, and on the Wednesday next after the first Monday of November, annually ; instead of the times heretofore established for holding said Courts ; and all petitions, recognizances, warrants, reports and processes whatsoever, shall be returned to, be entered, have day in, and be proceeded upon, in the same Court, to be holden on such Wednesdays aforesaid, any law to the contrary notwithstanding.

[Approved by the Governor, June 12, 1818.]

CHAP. X.

An Act directing the Judge of Probate, within and for the county of York, to hold Probate Courts in the town of Limerick.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same.* That from and after the first day of July next, the Judge of Probate, within and for the county of York, be, and he is hereby directed to, hold two Probate Courts in each year in the town of Limerick, in said county, at such times as he may think proper ; previously giving public notice thereof in said county ; any usage or law to the contrary notwithstanding.

[Approved by the Governor, June 12, 1818.]

CHAP. XI.

An Act in further addition to an act, entitled “An act concerning general and common Fields.”

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That when the major part, in interest, of the proprietors of any tract of land, consisting of several allotments, shall be desirous of enclosing, fencing and improving the same in one general field, they may apply to the Court of Common Pleas in the county where such land lies; and when such land lies in different counties, then to the Supreme Judicial Court to be holden in either; and on such application, the said Court shall notify the proprietors concerned in said land to appear at the same Court at the same or the next term thereof, in such manner and form as the Court shall judge proper; and if on hearing the said proprietors, it shall be deemed for their general benefit by the said Court, they shall decide that such land shall be fenced, enclosed and improved in one general field; and after such tract of land shall be so established as a general field, the first meeting of the proprietors may be called, on application to a Justice of the Peace, in the manner provided by the act, entitled “An act in further addition to an act, entitled an act concerning general and common fields,” at any time in the year; and at such first meeting, the proprietors of such field may agree upon the manner of calling and notifying future meetings, as well the annual as special meetings, of such proprietors; and such proprietors shall be entitled to all the rights and privileges, and subject to all the duties, to which proprietors of general and common fields now are, by the laws of this Commonwealth.

Manner of applying for leave to fence in lands.

[Approved by the Governor, June 12, 1818.]

CHAP. XII.

An Act authorizing the town of Charlestown to establish a Board of Health.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the inhabitants of the town of Charlestown, qualified to vote for town officers, may, in the month of March, annually, in town meeting assembled, elect, by ballot, seven able and discreet persons, being freeholders and residents in said town, to be a Board of Health, whose duty it shall be, when notified by the Town Clerk, of their election as aforesaid, to meet within six days after such notice, and organize themselves by electing a President and Secretary. The Secretary thus chosen, to be sworn to the faithful discharge of the duties of said office; which oath shall be entered and subscribed by such Secretary, on the records of said board, and attested by the person administering the same; and a certificate from the records of said board, shall be received and admitted as evidence in all cases relating to the proceedings of said board. On the death or resignation of any member of the said Board of Health, such vacancy shall be filled by election, by ballot, at the next town meeting which may be holden after such vacancy exists; and a majority of the board shall be competent to transact any business which the whole board could transact.

First meeting.

Organization
of Board.

SEC. 2. *Be it further enacted,* That the said Board of Health shall have power, and it is hereby made their duty, to examine into all causes of sickness, nuisances, and sources of filth, that may be injurious to the inhabitants of the town of Charlestown, which do or may exist within the limits of said town, or in any vessel at any wharf within the limits thereof; and the same to destroy, remove, or prevent, as the case may require; and all the expenses attending the same, to be paid by the person or persons, who caused such nuisance to exist, if known; and if not known, such

General Powers.

expense to be paid by the town: And in all cases, where such nuisance, source of filth, or cause of sickness, shall be found on private property, the owner or occupier thereof, on being notified by the authority of this board, and ordered to destroy or remove the same, shall forthwith remove or destroy such filth or nuisance; and in case said owner or occupier shall refuse or neglect to remove such filth, nuisance, or cause of sickness, from his, her, or their property, within the time specified by said board, he, she, or they, so offending, shall forfeit and pay a fine, of not less than one dollar, nor more than one hundred dollars, to be sued for and recovered by said Board of Health, in manner hereafter directed. And any two members of this board may cause the same nuisance to be removed or destroyed, as the case may require; and all costs or expenses, incurred in removing or destroying the same, shall be paid by such owner or occupier, on whose premises, or in whose possession such cause of sickness, nuisance, or source of filth may be found. And the said board may have power to appoint scavengers when necessary, to carry into effect the requirements of this act; and the same to remove, and substitute others at the pleasure of the board.

SEC. 3. *Be it further enacted*, That the said Board of Health shall have power to seize, take, and destroy, ^{Seizures.} or to remove to any safe place within the limits of the town, or cause the same to be done, any unwholesome and putrid, or tainted meat, fish, bread, vegetables, or other articles of the provision kind, or liquor, which in their opinion (first consulting some respectable physician of the town of Charlestown,) shall be injurious to the health of those who might use them; and the cost, of seizing, taking, destroying, or removing, shall be paid by the person or persons, in whose possession the same unwholesome, putrid or tainted article shall or may be found: And whenever said board shall think it necessary for the preservation of the lives or health of the inhabitants of said town, to enter forcibly any ^{May enter houses.} building or vessel, having been refused such entry by the owner or occupier thereof, within the limits of the town of Charlestown, for the purpose of examining into, destroying, removing or preventing any nuisance, source

of filth, or cause of sickness aforesaid, which said board have reason to believe is contained in such building or vessel; any member of said board, by order of said board, may apply to any Justice of the Peace, within and for the county of Middlesex, and on oath complain and state, on behalf of said board, the facts, as far as said board have reason to believe the same, relative to such nuisance, source of filth, or cause of sickness aforesaid; and such Justice shall thereupon issue his warrant directed to the Sheriff of the county of Middlesex, or either of his Deputies, or any Constable of the town of Charlestown, therein requiring them, or either of them, taking with them sufficient aid and assistance, and also in company with said Board of Health, or any two members of the same, between the hours of sun rise and sun set, to repair to the place where such nuisance, source of filth, or cause of sickness, complained of as existing as aforesaid, and there if found, the same to destroy, remove or prevent, under the directions and agreeably to the order of said Board of Health, or such members of the same as may be present for such purpose: *Provided however*, that no Sheriff, Deputy Sheriff, or Constable, shall execute any civil process, either by arresting the body, or attaching the goods or chattels of, any person under color of any entry made for the purpose aforesaid, unless such service could by law be made without such entry; and all services, so made under cover of such entry, shall be utterly void; and the officer making such service shall be considered a trespasser to all intents *ab initio*; and in all cases where such nuisance, source of filth, or cause of sickness, shall be removed as aforesaid, the costs arising in such proceedings shall be paid by the person or persons who caused or permitted the same nuisance, source of filth, or cause of sickness to exist, or in whose possession the same may be found.

SEC. 4. *Be it further enacted*, That the said Board of Health shall have power to make such rules, orders and regulations from time to time, for the preventing, removing or destroying of all nuisances, sources of filth and causes of sickness within the limits of the town of Charlestown, which they may think necessary; which rules, orders and regulations, after having been posted up

Proviso.

Fines.

Rules, &c.

in three or more public places within the town, shall continue in force and be obeyed by all persons until altered or repealed by said board, or by the town; and any person or persons who shall disobey or violate any such rules, orders or regulations so as aforesaid made, shall severally forfeit and pay for such offence a sum not less than one dollar, nor more than fifty dollars, according to the nature and aggravation of such offence.

SEC. 5. *Be it further enacted*, That the powers and duties which are given to, or required of the Selectmen of the town of Charlestown, by a law of this Commonwealth, passed on the twenty-second day of June, in the year of our Lord one thousand seven hundred and ninety seven, entitled "An act to prevent the spreading of contagious sickness," and by the several acts in addition thereto, shall be, and they hereby are transferred to, and made the duty of the Board of Health of the town of Charlestown, from and after the election of said board, any thing in the said laws to the contrary notwithstanding. And for all expenses, which may arise in the execution of their duty, the said Board of Health shall be authorized to draw upon the Town Treasurer of the town of Charlestown; and the accounts of said board, including all receipts and expenditures of money, shall be examined annually, and reported to the town by a committee chosen for that purpose; and the same shall be paid by the Town Treasurer of the said town of Charlestown.

Transfer of
powers.

Annual state-
ment of ac-
counts.

SEC. 6. *Be it further enacted*, That all fines, forfeitures and sums to be paid, arising under any of the provisions of this act, shall be prosecuted for, by and in the name of the Board of Health of the town of Charlestown, in the same manner within the county of Middlesex, as is pointed out by the twelfth section of an act passed on the twentieth day of June, one thousand eight hundred and sixteen, entitled "An act to empower the town of Boston to choose a Board of Health, and to prescribe their power and duty for the recovery of all fines and forfeitures arising under said act in the county of Suffolk:" and all monies, arising by fines, forfeitures or sums to be paid under any of the provisions of this

Fines.

act, shall enure to the use of the inhabitants of the town of Charlestown, and shall be accounted for by said board to the Treasurer of said town.

[Approved by the Governor, June 12, 1818.]

CHAP. XIII.

An Act to regulate the Fishery in First Herring Brook, in the town of Scituate.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Selectmen of the town of Scituate shall be Fish Wardens in said town, and shall have authority to open necessary and convenient sluice ways through any dam erected on the First Herring Brook, so called, in said Scituate, and shall annually form and publish such regulations respecting the preservation, and the time and manner of taking alewives in said First Herring Brook, with suitable fines and penalties annexed to the breach of said regulations as they may judge proper; said fines and penalties to be recovered by action or complaint in any Court having competent jurisdiction: *Provided*, said regulations are not inconsistent with the constitution and laws of this Commonwealth: *And provided also*, that the said town of Scituate, at any legal meeting for that purpose, shall have power to dispose of the right of fishing in said First Herring Brook, according to the regulations aforesaid, to such persons, and upon such terms, as they may determine to be proper; and all fines and penalties, which may be recovered for breaches of this act, shall enure one half to the complainant, or person who may sue for and recover the same, and the other half to the poor of said town of Scituate. And the said regulations, which may be so formed and adopted by the Selectmen, shall be recorded in the town records; and it shall be deemed sufficient notice

Wardens,
their authority.

Proviso.

Appropriation
of Fines.

to all persons of the publication of said regulations. by posting them up in three several places in the said town, as the discretion of the Selectmen may direct.

[Approved by the Governor, June 12, 1818.]

CHAP. XIV.

An Act to establish the First Baptist Society in Colrairie.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Jesse Lyons, George Winslow, David Smith, Calvin Smith the second, Ebenezer Taylor, Eliphalet Adams, Thomas Fox, Ephraim Manning, John Manning, Ira Call, John Smith, Jonathan Johnson, Jonathan M. Smith, Lemuel Pierce, Aaron Carey, Robert Merryfield, Nathaniel Smith, Hezekiah Smith, George Walker, Junior. Jacob Gragg, Reuben Hillman, Hugh McLellan, Micajah Caril, Ephraim Wilcox, Cirenus Wilcox, Edmund Wood, Jonathan Totman, Stoddard Totman, Caleb Totman, Lathrop Perkins, Willard Thomas, junior, Aaron Coy, Joshua Vincent, Levy Coy, Orien Vincent, Moses C. Howard, Aaron Coy, junior, Edward Adams, John Burrington the second, Lemuel Eddy, Amasa Winslow, Abraham Tisdale, Reuben Donelson, Daniel Donelson, Ignatius Pickins, Robert Merryfield, junior, Willard Thomas, Sebra Thomas, Simeon Blandier, George Eels, John Call, Ira Donelson, Jesse Pickins, Daniel B. Sprague, Reuben Coy, Erastus Coy, John Smith the second, Samuel Brown, James McClallen, and Daniel Wilcox, with their polls and estates, together with such other persons of the baptist denomination, as may hereafter associate with them for religious worship, be, and they hereby are incorporated into a religious society, by the name of the First Baptist Society in Colrairie; with all the powers and privileges, and subject to all the duties and requirements of other religious societies in this Commonwealth.

Condition of
membership.

SEC. 2. *Be it further enacted,* That any inhabitant living in Colraine, or either of the adjacent towns, who may hereafter desire to join in religious fellowship with said First Baptist Society, shall have a right so to do, by leaving with the Clerk of said society, fifteen days before the annual meeting thereof in March or April, a certificate in writing thereof; and shall also deliver a copy of the same to the Clerk of the town or society, with which such person has been before connected, at least fifteen days before the annual meeting thereof in March or April; and such person, from the day of so leaving such a certificate of his intentions, and such copy thereof as aforesaid, shall be considered to all intents and purposes as belonging to said First Baptist Society; and shall thereafter be exempted from taxation, of a nature exclusively parochial, in the town or society, to which before that time he belonged.

Certificate of
secession.

SEC. 3. *Be it further enacted,* That when any member of said First Baptist Society may see cause to secede therefrom, and to unite with any other religious society in the town of Colraine, or in either of the adjoining towns, the like rule, in relation to certificates, shall be observed and required, *mutatis mutandis*, as is required in the second section of this act: *Provided always*, that in every case of secession from one society and joining another, the person so seceding shall be holden in law to pay his or her proportion of all taxes assessed, or voted to be assessed, on him or her, and on his or her estate, in the society so removed from.

First meeting.

SEC. 4. *Be it further enacted,* That any Justice of the Peace within the county of Franklin, be, and he hereby is, on application therefor, empowered to issue his warrant, directed to some freeholder belonging to said First Baptist Society, requiring him to notify and warn the members thereof, to meet at such convenient time and place, as shall be therein appointed, to organize said society, by electing such officers as are usual in other similar societies; and by transacting such other business of a parochial nature, as in said warrant shall be expressed. And such officers, so chosen, shall hold their respective offices until others shall be

chosen and sworn in their stead, in the month of March or April next after the first meeting of said First Baptist Society.

[Approved by the Governor, June 12, 1818.]

CHAP. XV.

An Act to incorporate the American Insurance Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Thomas H. Perkins, William H. Boardman, Paschal P. Pope, Jonathan Amory, junior, James Perkins, Benjamin Rich, David Hinckley, Daniel P. Parker, Edmund Munroe, Seth Knowles, Richard D. Tucker, Samuel Parkman, junior, Robert G. Shaw, Moses Wheeler, Ebenezer Farley, Francis J. Oliver, and Caleb Loring, with their associates, successors, and assigns, be, and they hereby are incorporated into a company and body politic, by the name of the American Insurance Company; with the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled "An act to define the powers, duties and restrictions of insurance companies," passed on the fifteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, for and during the term of twenty years after the passing of this act; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution; and have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said company; *provided* they shall not hold real estate exceeding the value of fifty thousand dollars, excepting such as may be taken for debt. or held as collateral security for monies due to said company.

Persons incorporated.

Powers.

May sue and be sued.

Proviso.

SEC. 2. *Be it further enacted,* That the capital stock of said company, exclusive of premium notes and profits, arising from business, shall not be less than three hundred thousand dollars, nor more than five hundred thousand dollars, and shall be divided into shares of one hundred dollars each; ten per centum of which shall be paid in money, by each and every subscriber, on the amount of his subscription, within ten days after public notice given by the President and Directors, chosen by the stockholders, in any two of the papers printed in the town of Boston; and the residue shall be secured by a deposit of stock of the United States, or of this Commonwealth, or of some bank within this Commonwealth, or such other security as may be approved by three fourths of the Directors, and be paid in such sum or sums, at such time or times, and under such penalties as the said President and Directors shall, in their discretion, direct and appoint.

Capital Stock.

Securities.

SEC. 3. *Be it further enacted,* That the stock, property, affairs and concerns of the said company shall be managed and conducted by thirteen Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others are chosen, and no longer; and who shall at the time of their election, be stockholders, and citizens of this Commonwealth; and shall be elected on the second Tuesday of January, in each and every year, at such time of the day, and in such place in the town of Boston, as a majority of the Directors for the time being, shall appoint; of which election, public notice shall be given in at least two of the newspapers printed in the town of Boston, and continued for the space of ten days immediately preceding such election: and the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock; *provided* that no stockholder shall be allowed more than thirty votes; and the stockholders not present, may vote by proxy, under such regulations as the company shall prescribe. And if through unavoidable accident, the said Directors should not be chosen on the second Tuesday of January as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed.

Management of business.

Annual election of officers.

SEC. 4. *Be it further enacted*, That the Directors, when chosen, shall meet as soon as may be, after every election, and shall choose out of their body, one person to be President, who shall be sworn, faithfully to discharge the duties of his office ; and who shall preside for one year : And in case of the death, resignation, or inability to serve, of the President, or any Director, such vacancy or vacancies, shall be filled for the remainder of the year in which they happen, by a special election for that purpose, to be held in the same manner as herein before directed, respecting annual elections of Directors.

Presidency.

Vacancies
filled up.

SEC. 5. *Be it further enacted*, That the President and three of the Directors, or four of the Directors in the absence of the President, shall be a board competent for the transaction of business ; and all questions before them shall be decided by a majority of votes ; and they shall have power to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of said company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks, and servants employed, and the election of Directors, and all such matters as appertain to the business of insurance ; and shall also have power to appoint a Secretary, and so many Clerks and servants for carrying on the said business, and with such salaries and allowances to them, and to the President, as to the said board shall seem meet : *Provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

Board of Directors.

Powers and
duties of Directors.

SEC. 6. *Be it further enacted*, That any two or more persons named in this act of incorporation, are hereby authorized to call a meeting of the said company, as soon as may be, in Boston, by advertising the same for one week, in two of the newspapers printed in the said town, for the purpose of electing a first Board of Directors, who shall continue in office until the second Tuesday of January, in the year of our Lord one thousand eight hundred and nineteen.

First meeting.

[Approved by the Governor, June 12, 1818.]

CHAP. XVI.

An Act to annex Paul Crowell and others, to the Calvinistic Congregational Society, in Sandwich.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Paul Crowell, William King, Lavina Howland, Richard Derrick, and Shubael Ewer, with their families and estates, be, and they hereby are set off from the first parish in the town of Sandwich, and annexed to the Calvinistic Congregational Society in said Sandwich, with all the rights and privileges which other members of the said Calvinistic Congregational Society have and enjoy.*

[Approved by the Governor, June 12, 1818.]

CHAP. XVII.

An Act to incorporate the Nantucket Phœnix Insurance Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joseph Chase, Paul Gardner, Zenas Coffin, and others, and all such persons as have already, or shall hereafter, associate with them, being citizens of the United States. be, and they hereby are incorporated into a company and body politic, by the name of the Nantucket Phœnix Insurance Company; and shall have all the powers and privileges, and be subject to all the duties, requirements and restrictions contained in an act, entitled "An act to define the powers, duties and restrictions of Insurance Companies," passed on the sixteenth day of February last; which corporation shall continue for and during the term of twenty years from the passing of this act; and*

Persons incor-
porated.

Powers and
privileges.

by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution ; and have a common seal, which they may alter at pleasure, and may purchase, hold and convey any estate, for the use of said company.

SEC. 2. *Be it further enacted,* That a share in the capital stock of said company shall be one hundred dollars, and the number of shares one thousand ; and if the whole number of shares are not already filled, subscriptions shall be kept open, under the direction and inspection of the President and Directors of said company, until the same shall be filled ; and the whole capital stock and property, which the said company shall be authorized to hold, shall be one hundred thousand dollars, exclusive of premium notes, or profits, arising from their business ; of which capital stock or property, not more than ten thousand dollars shall be invested in real estate.

SEC. 3. *Be it further enacted,* That the concerns of said corporation shall be managed by seven Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others shall be chosen, and no longer ; which Directors shall, at the time of their election, be stockholders, and citizens of the Commonwealth, and shall be elected on the second Monday of January in each and every year, at such time and place in the town of Nantucket, as a majority of the Directors, for the time being, shall appoint ; of which election public notice shall be given, by advertising, at two of the most public places in the town of Nantucket, for the space of ten days immediately preceding such election ; and such election shall be holden under the inspection of three stockholders, not being Directors, to be appointed previous to every election, by the Directors ; and shall be made by ballot, by a majority of votes of the stockholders present, allowing one vote for each share in the capital stock ; *provided,* no stockholder shall be allowed more than ten votes, and the stockholders not present may vote by proxy, under such regulations as the company may prescribe ; and, if by any unavoidable accident, the Directors should not be chosen, on the second Monday of Janu-

Capital Stock.

Management of business.

Election of Officers.

Proviso.

ary as aforesaid, it shall and may be lawful to choose them on another day, in manner aforesaid.

Presidency.

SEC. 4. *Be it further enacted*, That the Directors chosen as aforesaid, as soon as may be after their election, shall meet and choose out of their number, one person to be President, who shall preside until his successor shall be chosen, and shall be sworn faithfully to discharge the duties of his office; and in case of any vacancy by death, resignation, or inability to discharge the duties of office, such vacancy, whether of President or Director, shall be filled for the remainder of the year by a special election for that purpose, to be held in the same manner as is herein before directed, respecting annual elections of Directors and President.

Board of Directors.

Duties and emoluments of Officers.

SEC. 5. *Be it further enacted*, That the President and three Directors, or four of them in his absence, shall constitute a board competent to do business; and all questions, before them, shall be decided by a majority of votes, and they shall have power to make and prescribe such by-laws, rules and regulations, as to them may appear needful, respecting the management and disposition of the stock, property and estate of said company, and shall have power to appoint a Secretary, Clerks and Servants, for the purpose of managing said business, and allow them such salaries for services, and such compensation to the President, as shall be deemed equitable and just; *provided*, such by-laws, rules and regulations, shall not be repugnant to the laws of this Commonwealth.

Meetings of Directors.

SEC. 6. *Be it further enacted*, That there shall be stated meetings of the Directors, at least once in every month, and as often within each month as the President and Directors shall deem proper; and the President and committee of three of the Directors, to be by him appointed, in rotation, shall assemble daily, if necessary, for the despatch of business; and it shall be the duty of the Directors, on the second Monday of January and June, in every year, to make dividends of so much of the interest arising from their capital stock, and the profits of said company, as to them shall appear advisable; and fifty dollars on each share of said stock shall be paid within sixty days after the first meeting of said company; and the remaining sum due

on each share, within one year next afterwards, by Instalments. such instalments as said company shall direct ; and no transfer of any share in said company shall be valid, until all the instalments on such share shall have been paid.

SEC. 7. *Be it further enacted*, That no person, being a Director of any other company, carrying on the business of marine insurance, shall be eligible as a Director of the company by this act established ; and the property of any member in said company, with the dividends due thereon, shall be liable to attachment and execution in favor of any *bona fide* creditor, in manner following, viz. whenever a proper officer, having a writ of attachment or execution against any member, shall apply to the Secretary of said company ; it shall be his duty to expose the books of the corporation to such officer, and furnish him, in his official capacity, with a certificate under his hand, ascertaining the number of shares which the said member holds, and the amount of dividends due thereon ; and when any such shares shall be attached on mesne process, or taken in execution, an attested copy of such writ of attachment or execution shall be left with the Secretary ; and such shares shall be sold on execution, on due notice by the officer, of the time and place of sale, and conforming in all respects to the law respecting sales of personal property on execution : And it shall be the duty of such officer, making such sale, within ten days next after said sale, to leave an attested copy of the execution, with his return thereon, with the Secretary of the company ; and the vendee shall thereby become the proprietor of such shares, and all dividends thereon, if the same dividends have accrued after taking in execution aforesaid, or when there has been a previous attachment, after such attachment, notwithstanding any intervening transfer.

Individual property liable to attachment.

SEC. 8. *Be it further enacted*, That the President and Directors of said company shall, when and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said company, and submit to an examination under oath, or affirmation, concerning the same ; and Sylvanus Macy is hereby authorized to call a meeting of the members of

Accounts to be examined.

said company, for the choice of Directors, by advertising the same, in two of the most public places in the town of Nantucket, for ten days at least, previous to the choice of the first Board of Directors, who, when chosen, shall continue in office until the second Monday in January next, and until others are chosen in their stead.

[Approved by the Governor, June 12, 1818.]

CHAP. XVIII.

An Act to incorporate the China Academy.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That there be, and hereby is established an Academy, in the town of China, in the county of Kennebec, by the name of the China Academy, for the purpose of promoting piety and virtue, and for the education of youth in such languages, and in such of the liberal arts and sciences, as the Trustees herein after provided, shall order and direct.*

Location.

SEC. 2. *Be it further enacted, That Abraham Burrill, Esquire, Reverend Daniel Lovejoy, Doctor Daniel Stevens, Jonathan Fairfield, Esquire, Colonel Nathan Stanley, of said county of Kennebec, be, and they hereby are appointed Trustees of said Academy; and they and their successors shall be and continue a body politic and corporate, by the same name forever.*

Trustees.

SEC. 3. *Be it further enacted, That the number of Trustees for the said Academy, shall never be more than five, nor less than three, a majority of whom shall be necessary to constitute a quorum for transacting business; and whenever any one of said Trustees shall die or resign, the surviving Trustees shall elect one or more persons to fill such vacancy or vacancies.*

Vacancies to be filled up.

SEC. 4. *Be it further enacted, That the Trustees aforesaid and their successors be, and they are hereby*

authorized to hold, by gift, grant, devise, bequest, or otherwise, any lands, tenements, or other estate, real or personal, which hath, or may be given, or subscribed for the purpose aforesaid; *provided* that the annual income of said real estate shall not exceed one thousand dollars, and the annual income of said personal estate shall not exceed the sum of twelve hundred dollars. And all deeds and instruments, which the said Trustees may lawfully make, shall be sealed with their seal, and shall bind the said Trustees and their successors, and be valid in law.

SEC. 5. *Be it further enacted*, That the said Trustees and their successors shall have one common seal, which they may break, change, and renew from time to time, as they may see cause; and they may sue and be sued, in all actions, real, personal, or mixed, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of the China Academy; and may appoint an agent or agents, to prosecute and defend such suits.

SEC. 6. *Be it further enacted*, That the said Trustees and their successors be, and they are hereby constituted the Visitors, Trustees, and Governors of the said Academy, in perpetual succession forever, to be continued in the way and manner herein provided, with full power and authority to elect and appoint such Preceptors, Teachers, and other officers, and to make and ordain such laws, rules, and orders, as they may, from time to time, judge necessary and convenient for the good government of the said Academy; *provided* they are in no case repugnant to the constitution and laws of this Commonwealth.

SEC. 7. *Be it further enacted*, That any Justice of the Peace for the county of Kennebec be, and he is hereby authorized to appoint the time and place for holding the first meeting of the said Trustees, and shall notify them thereof accordingly.

[Approved by the Governor, June 12, 1818.]

CHAP. XIX.

An Act in further addition to an act, entitled “An act providing for the government and regulation of the State Prison.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of the third section of an act, passed on the first day of March, in the year of our Lord one thousand eight hundred and fifteen, entitled “An act in further addition to an act, entitled an act for providing for the government and regulation of the State Prison,” as relates to the annual salary of the Chaplain of said prison, be, and the same is hereby repealed; and that from and after the passing of this act, the Chaplain of said prison shall receive two hundred and fifty dollars, annually, payable in quarter yearly payments, in full compensation for his services.*

[Approved by the Governor, June 12, 1818.]

CHAP. XX.

An Act in addition to an act, entitled “An act to incorporate the Proprietors of the North Meeting House, in Salem.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the proprietors of the North Meeting House, in Salem, in the county of Essex, be, and they hereby are authorized and empowered, at a meeting to be called for that purpose, to make a new valuation of the gallery pews in said*

meeting house; and that after such new valuation, all sums voted to be raised by said proprietors, shall be assessed upon such floor pews as the proprietors shall determine on, according to the original valuation thereof, as recorded in the proprietors' book, and upon such gallery pews as they shall determine on, according to said new valuation: *Provided however*, that no pews shall be exempted from assessment, except such as have been heretofore exempted by said proprietors.

[Approved by the Governor, June 12, 1818.]

CHAP. XXI.

An Act to establish the town of Jackson, in the county of Hancock.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, 'That the plantation, heretofore called Jackson, in the county of Hancock, as contained within the following described bounds, be, and hereby is, with the inhabitants thereon, established as a town, by the name of Jackson, viz.: beginning* Boundaries.
at the north-east corner of said Jackson, on the line of Dixmont; thence running west by the line of Dixmont and Joy, about eighteen hundred and twenty-five rods, to the north-west corner of said Jackson; thence south, three degrees east, by the plantation of Lincoln, about seventeen hundred rods, to the south-west corner of Jackson, aforesaid; thence north, eighty-seven degrees east, eleven hundred and twenty rods, by the town of Brooks, to the south-east corner of Jackson, aforesaid; thence by Lee Plantation, (now Monroe) to the bounds first mentioned. And the said town of Jackson is hereby vested with all the corporate powers and privileges, and shall also be subject to all the duties and requisitions of other corporate towns, according to the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That any Justice of the Peace, for the county of Hancock, upon application therefor, is hereby empowered to issue a warrant, directed to a freehold inhabitant of said town of Jackson, requiring him to notify and warn the inhabitants of the said town, to meet at such convenient time and place as shall be appointed in said warrant, for the choice of such officers as towns are by law empowered and required to choose at their annual town meetings.

First meeting.

[Approved by the Governor, June 12, 1818.]

CHAP. XXII.

An Act to incorporate the Second Parish, in the town of Deerfield.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the following named persons, inhabitants of the town of Deerfield, in the county of Franklin, viz. Abner Cooley, Elijah Arms, Isaac Parker, Artemas Williams, Joseph Saunderson, Elihu Barnard, Asa Hawks, John Amsden, Jonathan Hawks, Elihu Clary, Elisha Field, Elisha Clapp, William Hawks, Timothy Blodget, Simeon Blodget, Asa Johnson, Waitstill Hawks, Lemuel Tryon, Silas Hawks, Rufus Clark, Jedediah Clark, Eliakim Arms, William Anderson, Zebina Russell, John Anderson, William Tryon, Eber Allis, Reuben Jewett, Luther Tryon, Philip Smith, Zebadiah Graves, Russell Cooley, Amos Russell, Benjamin Mann, Zebadiah Graves, junior, Ephraim Sprague, Dennis Arms, Samuel Graves, Ira Billings, Augustus Baldwin, Samuel Rogers, Seth Arms, Jesse Billings, Eliphaz Arms, Eli Cooley, Erastus Arms, Harry Arms, John Baldwin, Timothy Billings, Dennis Cooley, Solomon Anderson, Stephen Whiting, Jesse Severance, and Elisha Nims, with their estates, be, and they hereby are incorporated into a religious society, by the name of the Second Congrega-

Persons incorporated.

tional Parish, in Deerfield ; with all the powers, privileges and immunities, and subject to all the duties to which other religious societies in this Commonwealth are entitled or obligated by law, excepting as is herein otherwise enacted, provided or declared. Powers and privileges.

SEC. 2. *Be it further enacted,* That any of the inhabitants of the said town of Deerfield, who may desire to join said society, shall have full liberty thus to do, at any time within twelve months after the passing of this act ; *provided* they signify in writing, under their hand, to the Clerk of said town, and also to the Clerk of said second parish, their wish and determination of being considered as members of said second parish ; and they shall be accordingly recorded as such by the several and respective Clerks aforesaid. Admission of members.

SEC. 3. *Be it further enacted,* That if any person, who may hereafter come to reside and dwell within the limits of said town, shall be desirous of joining the said society, such person shall have full liberty to do it, with his estate, at any time within twelve months of the time of his so coming to reside and dwell in said town, by making known his determination of the same, in the manner pointed out in the second section of this act ; and the Clerks shall make record thereof, as is above provided. Terms of admission.

SEC. 4. *Be it further enacted,* That all young persons, who now do, or hereafter shall reside and dwell within the limits of the said town, shall, when they become twenty-one years of age, have full liberty, at any time within twelve months after they shall have arrived at that age, to join, with their estates, the said society, by making known such their determination in manner herein before provided ; and the Clerks shall make record thereof as abovementioned. Time of admission.

SEC. 5. *Be it further enacted,* (the inhabitants of said town of Deerfield in legal meeting assembled, and the persons herein incorporated into a second parish having thereto consented and agreed) That the inhabitants of the said town shall hereafter be holden and obliged to pay the sum of three hundred and thirty-three dollars and thirty-three cents, annually, towards the support of a congregational minister in said second parish, and at that rate for any fractional part of a Ministerial tax.

year, that such minister may be settled in the same parish, and that the Assessors of said town shall have the authority and power, and it is hereby made their duty to assess annually, in the same manner as though the said second parish had not been incorporated, in the annual ministerial tax, on all the inhabitants of said town, whether members of the first or second religious congregational parish therein, in addition to the sum or sums, which it may be necessary to assess, to pay the minister of the first parish his salary, and to keep in repair the present congregational meeting house in said town, the further sum of three hundred and thirty-three dollars and thirty-three cents, or such fractional parts thereof, as the case may require; which sum or such fractional part thereof, according as the case may require, shall be payable and paid, from time to time, and at all times hereafter, by the Treasurer of the said town, on demand upon him made, to the Treasurer of the said second parish, at the same time and times, as the salary of the present congregational minister of the said town is payable; to be appropriated towards the annual support of any congregational minister and ministers, who shall be regularly settled in said second parish; reckoning and accounting from the time of the settlement of such minister and ministers, and during his and their continuance in said office; such minister and ministers so settled in said second parish, relinquishing all claim to the lands in the said town, sequestered for the use of the ministry, and to all monies which have arisen or shall hereafter arise, from the sale of any of the said lands, and to the ministerial fund in said town, so called, as has been heretofore practised in the settlement of ministers in said town; leaving the same, as they now are, subject to the controul and management of said town: *Provided however*, that when the cost and expense of the repairs, which may be made upon the present congregational meeting house in the said town, shall, in any one year, amount to the sum of twenty dollars or more, the Treasurer of the said town, shall be holden and obliged to pay over to the Treasurer of the said second parish, on demand made as aforesaid, and at the same time and times as is above mentioned, the just proportion of such cost and

Money to be
paid to Treas-
urer of second
parish.

Proviso.

expense, which shall have been assessed in the ministerial tax, on the members of said second parish; *provided also*, that the members of the first parish shall not be holden or obliged to pay any thing towards the settlement of any minister who may hereafter be settled in the second parish, or for the building or repairing ^{Providos.} of any meeting house, which may be erected by or for the same parish: *Provided also*, that upon the future settlement of any minister in the first parish, the members of the second parish shall be wholly exempted from contributing any thing towards his settlement. *And provided also*, that if, at any future time, the first parish should build a new meeting house or meeting houses, for the accommodation of its members, the then existing members of the second parish shall be likewise exempted from contributing or paying any thing towards the cost and expense of the same.

SEC. 6. *Be it further enacted*, That the officers of the said town of Deerfield, whose duties are similar to the duties of officers usually chosen and appointed in parishes, shall, *ex officio*, be considered to all intents and purposes, as the officers of said first parish; and it shall be lawful to insert in the warrants for calling town meetings in said town, any article of a parochial nature, relating to the concerns of the said first parish, and to act on the same as though the said second parish had not been incorporated: *Provided however*, that in all matters and things, merely of a parochial nature, transacted in such town meetings, the then members of said second parish shall not be entitled to vote, or in any way interfere with the same. ^{Special business of meetings.}

SEC. 7. *Be it further enacted*, That any Justice of the Peace in said county of Franklin be, and he hereby is authorized to issue his warrant, directed to some member of the said second parish, requiring him to notify and warn the members of the same parish, qualified to vote in parish affairs, to assemble at such convenient time and place in said town of Deerfield, as shall be expressed in said warrant, to choose such officers, as parishes are by law required to choose in the month of March or April, annually, and to transact all other matters and things necessary for the well being of the same parish. ^{First meeting}

[Approved by the Governor, June 12, 1818.]

CHAP. XXIII.

An Act to annex Elisha Harmon, with his family and estate, to the North Parish, in the town of New Marlborough.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Elisha Harmon, with his family and estate, be, and they are hereby set off from the south, and annexed to the north parish, in the town of New Marlborough ; provided, that the said Elisha Harmon shall be holden to pay his proportion of all parish expenses assessed and not paid prior to the passing of this act.*

[Approved by the Governor, June 12, 1818.]

CHAP. XXIV.

An Act extending the time allowing the Trustees of the Nantucket Bank to close their concerns.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the further time of one year, from the first Monday of October next, be granted and allowed to the Trustees of the Nantucket Bank, for the sole purpose of enabling said Trustees gradually to settle and close their concerns, and divide their capital stock ; they conforming in all respects, to an act passed the twenty-fourth day of June, in the year of our Lord one thousand eight hundred and twelve, entitled " An act to enable certain banks in this Commonwealth to settle and close their concerns."*

[Approved by the Governor, June 12, 1818.]

CHAP. XXV.

An Act to incorporate the Essex Agricultural Society.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Timothy Pickering, William Bartlett, John Heard, Thomas Kittredge, David Howe, Ichabod Tucker, Asa Andrews, Nehemiah Cleveland, David Cummins, Joseph Peabody, Ichabod Nichols, Robert Dodge, Thomas M. Clark, William B. Banister, Isaac Osgood, John Adams, Frederick Howes, Hobart Clarke, Jesse Putnam, Ezekiah Flint, Thomas Stephens, Nathaniel Hooper, Benjamin T. Reed, William Reed, Temple Cutler, Paul Kent, Elisha Mack, John G. King, Theodore Eames, Joseph Andrews, Michael Webb, Benjamin R. Nichols, and Leverett Saltonstall, together with such others as may hereafter associate with them, and their successors, be, and they are hereby made a corporation, by the name of the Essex Agricultural Society; and for this purpose, shall have the same powers and privileges, and be subject to the like duties and restrictions, as the other incorporated agricultural societies in this Commonwealth; and the said corporation may lawfully hold and possess real estate, not exceeding twenty thousand dollars, and personal estate, the annual income whereof shall not exceed five thousand dollars; and also have power to sell, alien, or dispose of the same estate, real and personal, not using the same in trade or commerce.

Persons incorporated.

SEC. 2. *Be it further enacted,* That David Cummins, Esquire, of Salem, in said county, be, and he hereby is authorized to notify and call the first meeting of the society aforesaid, for the purpose of organizing the same, and for establishing rules and by-laws for the government of the same, by giving public notice of the time and place of holding said meeting, two weeks, in each of the newspapers printed within the said county of Essex.

First meeting.

[Approved by the Governor, June 12, 1818.]

CHAP. XXVI.

An Act to incorporate the Salem Commercial Insurance Company.

Persons incor-
porated.General Pow-
ers.May hold real
estate.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Nathaniel Silsbee, Joseph Story, Stephen White, Nathaniel West, junior, Timothy Bryant, and William P. Richardson, with their associates, successors, and assigns, be, and they hereby are incorporated into a company and body politic, by the name of the Salem Commercial Insurance Company; with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations contained in a law of this Commonwealth, entitled "An act to define the powers, duties and restrictions of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, for and during the term of twenty years, after the passing of this act; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution; and may have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said company; *provided* the said real estate shall not exceed the value of twenty thousand dollars, excepting such as may be taken for debt, or held as collateral security, for monies due to said company.

Capital Stock.

SEC. 2. *Be it further enacted,* That the capital stock of said company, exclusive of premium notes and profits arising from business, shall not be less than one hundred thousand dollars, nor more than two hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per cent. of which shall be paid in money by each and every subscriber, on the amount of his subscription, within thirty days after public notice given by the President and Directors, chosen by the stockholders, in two newspa-

pers, printed in the town of Salem, and the residue shall be secured by a deposit of stock of the United States, or of this Commonwealth, or of some bank within this Commonwealth, or such other security as may be approved by three fourths of the Directors, and be paid in such sum or sums. at such time or times, and under such penalties as the said President and Directors shall, in their discretion, direct and appoint.

SEC. 3. *Be it further enacted,* That the stock, property, affairs and concerns of the said company shall be managed and conducted by nine Directors. one of whom shall be President thereof, and shall hold their offices for one year, and until others are chosen and no longer ; and who shall. at the time of their election, be stockholders and citizens of this Commonwealth, and shall be elected on the second Monday of January in each and every year, at such time of the day, and in such place in the town of Salem, as a majority of the Directors, for the time being, shall appoint ; of which election public notice shall be given, in two of the newspapers, printed in the town of Salem, and continued for the space of ten days immediately preceding such election : And the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote for each share in the capital stock ; *provided* that no stockholder shall be allowed more than ten votes ; and absent stockholders may vote by proxy, under such regulations as the said company shall prescribe. And, if through any unavoidable accident, the said Directors should not be chosen on the second Monday of January, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed.

Officers annually elected.

Proviso.

SEC. 4. *Be it further enacted,* That the Directors, when chosen, shall meet as soon as may be, after every election, and shall choose out of their body, one person to be President, who shall be sworn faithfully to discharge the duties of his office, and who shall preside for one year ; and in case of the death, resignation, or inability to serve, of the President or any Director, such vacancy or vacancies shall be filled for the remainder of the year in which they happen, by a special election for that purpose, to be held in the same

Presidency.

manner as herein before directed, respecting annual elections of Directors.

By-laws and
regulations.

SEC. 5. *Be it further enacted*, That the President and four of the Directors, or five Directors, in the absence of the President, shall be a board competent for the transaction of business; and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks and servants employed, and the election of Directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint a Secretary and so many clerks and servants, for carrying on the said business, and with such salaries and allowances to them and to the President, as to the said board shall seem meet: *Provided* such by-laws and regulations shall not be repugnant to the constitution or laws of this Commonwealth.

Provide.

First meeting.

SEC. 6. *Be it further enacted*, That any two or more persons, named in this act of incorporation. are hereby authorized to call a meeting of the said company, as soon as may be, in Salem, by advertising the same for two successive weeks, in the Essex Register and Salem Gazette, printed in Salem, for the purpose of electing a first Board of Directors, who shall continue in office until the second Monday of January, in the year of our Lord one thousand eight hundred and nineteen.

[Approved by the Governor, June 12, 1818.]

CHAP. XXVII.

An Act to incorporate the Episcopal Church in Dedham.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Abel D. Alleyne, John

W. Ames, John W. Baker, Silas Bacon, Pitts Butterfield, John P. Cain, Seth Chapin, John Cox, John B. Derby, Abner Ellis, Stephen Farrington, Mary Gay, Timothy Gay, Timothy Gay, junior, Cyril Gillet, Ezekiel Kingsbury, Noah Kingsbury, Moses Kingsbury, Joshua Kingsbury, Samuel Lowder, William H. Maun, Eliphalet F. Mason, Nathaniel Polley, junior, Timothy Richards, Jesse Richards, Willard Richards, James Richardson, Jeremiah Shuttlesworth, and Erastus Worthington, together with all the present proprietors of the pews of said church, with their families and estates, and such others as may hereafter associate with them, and their successors, be, and they are hereby incorporated as a Protestant Episcopal Society, by the name of the Episcopal Church in Ded-
Persons incor-
porated.
General Pow-
ers.
 ham; with all the powers and privileges, and subject to all the duties and restrictions of other religious societies, according to the constitution and laws of this Commonwealth, and the rights and usages of the Protestant Episcopal Church in the United States.

SEC. 2. *Be it further enacted*, That each and every one of the above mentioned persons and proprietors, shall be entitled to the same privileges of voting and acting, at all legal meetings of said society, excepting that the admission of future members shall be determined solely by the votes of the major part of the proprietors of pews present, at a legal meeting of said society, called for that purpose; and in no case, shall
Votes.
 any proprietor be entitled to more than one vote for any number of pews which he may possess.

SEC. 3. *Be it further enacted*, That all persons desirous to associate with the said Episcopal Church, who may enter their names with the Clerk thereof, and
Membership.
 be admitted in manner aforesaid, shall be deemed members, and as such, be liable to all legal duties and assessments; *provided*, that those who may thus become members hereafter, shall, before they are exempted from taxation for the support of public worship
Provisos.
 in the town or parish where they reside, leave notice, in writing, with the Clerk thereof, of their having associated with the said Episcopal Church: *Provided also*, that persons withdrawing from the said Episcopal Church, who may give like notice to the Clerk thereof,

shall be no longer liable to taxation there; but they, with their polls and estates, shall again become liable to all taxes and duties, for the support of public worship in the towns or parishes where they may reside.

Rectorship supplied.

SEC. 4. *Be it further enacted*, That whenever the office of Rector, in said society, shall be vacant, the said society, at a meeting duly called for that purpose, shall elect a Rector, who shall be inducted according to episcopal usage.

Annual meeting.

SEC. 5. *Be it further enacted*, That the annual meeting of the society shall be on Easter Monday, at the Church in Dedham, at such hour as the Wardens shall notify: at which time, the said society shall choose two Wardens, three or five Vestry Men, a Treasurer, Clerk, and other necessary officers, who shall continue in office one year, and until others are chosen and qualified; and special meetings shall be notified in the same manner, by the Wardens, as parish assessors or committees, are by law required to notify parish meetings.

May hold real estate.

SEC. 6. *Be it further enacted*, That the said Episcopal Society may hold by gift, grant, or otherwise, real and personal estate, the annual income of which shall not exceed five thousand dollars; and the Wardens and Vestry shall have the management of the same, pursuant to the votes of the said society, and subject at all times to account to them: but in no case, shall either the Wardens and Vestry, or the society, reduce the rents of the church glebe, already fixed by contract.

Duties and responsibility of Treasurer.

SEC. 7. *Be it further enacted*, That the Treasurer of the said church shall give bond, with sureties to the satisfaction of the Wardens and Vestry, for the faithful performance of his duties, in the penal sum of two thousand dollars; and he only shall have a right to receive the rents and monies of said society; and for that purpose, shall have custody of all leases and other written evidence of debts due to them; and he shall annually, submit to the Wardens and Vestry, and to the society, a full and detailed account of all monies, by him received and paid.

SEC. 8. *Be it further enacted*, That all deeds of pews in said church, shall be recorded within three

months after they are executed, in the books of the Clerk of said society, and need not be hereafter recorded in the office of the Town Clerk, or Register of Deeds.

SEC. 9. *Be it further enacted*, That upon application to any Justice of the Peace for the county of Norfolk, he is hereby empowered to issue his warrant, directed to one of the persons named in this act, requiring him to notify and warn a meeting of the members of the said Episcopal Society, to meet at such convenient time and place as shall be appointed in said warrant, for the choice of church officers, and the doing such other business as may be necessary for the due organization of the said society. First meeting.

SEC. 10. *Be it further enacted*, That all acts and parts of acts, inconsistent with the provisions of this act, be, and the same are hereby repealed; *provided* such repeal shall, in no manner, affect any contract already made under, or confirmed by said acts, or any action now pending. Acts repealed.

[Approved by the Governor, June 12, 1818.]

CHAP. XXVIII.

An Act to direct the manner of assessing and collecting Taxes on the Pews, and rights to Pews, in the Meeting House, belonging to the Congregational Society, in the town of Alfred.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That it shall be lawful for the Assessors of the Congregational Society in the town of Alfred, in the county of York, for the time being, on a vote of said Congregational Society, first duly passed and declared, in a legal meeting; and they are hereby empowered to assess the several pews, and rights to pews, in said meeting house, and the several parts and Assessment of Pews.

proportions thereof, according to the value the said Assessors shall set on said pews, and said rights to pews, of all or any part of such sums of money as the said society may vote specially to raise and appropriate for the payment of the labor and materials which have been furnished and expended in and about the reparation and improvement of said house ; and also for such further sum or sums, as may, by the vote of said society, be deemed necessary to the reparation and improvement already begun ; and in case, at any future period, the same house shall need repairing, the Assessors of said society, for the time being, may assess the said pews and rights in manner aforesaid, such sums for the repairs thereof as the said society shall determine and vote to be needful for that purpose ; and the assessments so made shall be committed to such Collectors as may, by the said society, be appointed to collect the same, with directions to collect and pay in the same to the Treasurer of said society, at such time or times as the said Assessors shall direct. And the Treasurer of the said Congregational Society shall keep a separate account, distinct from other monies, of the sums thus received, and the manner in which they are expended ; and shall have the same power to compel the payment of the sums from the said Collector, in case of delinquency, as is by law provided for parish or society taxes.

SEC. 2. *Be it further enacted*, That if the owner or proprietor of a pew right shall refuse or neglect to pay the sum assessed thereon, as aforesaid, for the space of thirty days after notice of the assessment shall have been posted up on the door of said meeting house, and two other public places in the said parish or society, as the said Assessors shall in writing direct, it shall be lawful for said Collector to sell said pew, or pew right, at public vendue, to the highest bidder, first giving fifteen days notice of the time and place of sale, by posting up notifications thereof, at the said meeting house door, and at two other places in the said town of Alfred : And if the said pew or pew right is sold for more than the amount of the tax, then the overplus money, after the said tax, and the expenses of notifying and selling, shall be paid over to the former owner or proprietor, if known and living within said town of Alfred,

Pews may be sold in default of paying assessment.

within ten days after the said sale ; but if the proprietor is unknown, and not residing within said Alfred, the said Collector shall, within ten days next after the said sale, pay over the said surplus to the Treasurer of said society, for the use of the former proprietor of the said pew. And the mode of transferring pews, sold by the Collector for the non-payment of taxes, as aforesaid, shall be by deed, under his hand and seal, acknowledged before a Justice of the Peace ; but a record of the deed thus made in the records of the society by the Clerk thereof, within six months after acknowledging and delivering the same, or a copy thereof, certified by the Clerk of said society, shall be evidence of the transfer, as well as the original, thus recorded : *Provided always*, that if the former proprietor of a pew, thus sold and transferred, shall, within one full year from the time of sale at vendue, as aforesaid, tender and pay to the purchaser, or his assignee, in case of assignment, the same sum the said pew sold for, with an addition of twelve per cent. it shall be the duty of the purchaser or assignee, to re-convey the same ; and upon his refusing thus to do, the said former proprietor may have the like remedy for obtaining the title and possession of the same pew as mortgagors of real estate now have in the courts of this Commonwealth.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Clerk of said society, upon the payment of thirty-three cents, to record at large, in the record books of said society, the deed of every pew in said house, which may be brought to him for recording ; and to note and certify thereon, as also in the record, the date when the said deed was received for that purpose.

SEC. 4. *Be it further enacted*, That any tax or assessment, made as aforesaid, shall be a lien in and upon the pew or right aforesaid, on which the said tax shall be assessed, let whoever may hold, own, use, occupy and enjoy the same ; and a transfer in manner aforesaid, by deed or certificate, shall operate as a full and absolute conveyance of such pew or pew right.

SEC. 5. *Be it further enacted*, That the form of the deed or certificate, which shall operate as a full and complete conveyance of any pew or pew right, sold in manner aforesaid, by the legal Collector aforesaid, shall be in the form following :

(Seal.) *Know all men by these presents, That*
 I, A. B. of the town of Alfred, in the
 county of York, Collector of taxes for the Congrega-
 tional Society in the said town, have this day sold to
 C. D. of the town of _____ in the county of _____
 at public vendue, he being the high-
 est bidder therefor, a pew, (or right in a pew, as the
 case may be,) situated in [here describe the location
 of the pew,] for the sum of _____ dollars, in virtue
 of a tax committed to me to collect for the year, [here
 insert the year,] the said tax remaining unpaid, saving
 and reserving to the said owner, his or her heirs or as-
 signs, the right of redeeming the same, as is provided
 in the second section of this act.

In witness whereof, I have hereunto set my hand
 and seal the _____ day of _____ in the year of
 our Lord one thousand eight hundred and _____

Signed, sealed and delivered, }
in presence of }

Collector.

Acknowledged the day and }
year aforesaid, } *Before*

Justice of the Peace.

Which said deed, being duly executed. and regis-
 tered in the office of the Clerk of said parish or society,
 shall operate as a full and absolute conveyance to the
 purchaser of the pew or right, so called and conveyed,
 subject to the conditions and reservations aforesaid :
 And a duly certified copy of such deed, authenticated
 by the Parish or Society Clerk, as having been duly
 recorded. shall be taken and received in every Court
 of Justice within this Commonwealth, as ample and
 plenary evidence of such purchaser's right and pro-
 perty.

CHAP. XXIX.

An Act to incorporate the First Universalist Society
 in Leverett.

SEC. 1. **BE** *it enacted by the Senate and House of*
Representatives, in General Court assembled, and by
the authority of the same, That James Comins, Henry

Rider, Asa Comins, Ransom Adams, Moses Smith,<sup>Persons incor-
porated.</sup> Orlando Field, Aaron Dudley, Asa Moore, Samuel Larned, Martin Moore, Rodolphus Perry, Lewis Gilbert, Samuel Gould, Amos Wilmarth, Edmund Rawson, John Davis, Elijah Grover, Thomas Heard, Jonathan Glazier, junior, Samuel Lamb, Elijah Williams, Jonathan Glazier, Samuel Miley, Joshua Leonard, Gershom Comins, Jonathan Bellows, Porter Nutting, James Comins, junior, and Moses Field, junior, with their families and estates, together with such others as may hereafter associate with them, or their successors, be, and they are hereby incorporated into a religious society, by the name of the first Universalist Society in Leverett; with all the powers, privileges, and immunities to which other parishes or religious societies are entitled by the constitution and laws of this Commonwealth, for religious purposes only.

SEC. 2. *Be it further enacted,* That said society be, and they are hereby authorized to raise by assess-^{Assessments.}ments, on the polls and estates of the members thereof, such sum or sums of money for the erection of any house, for the public worship of God. for the settlement and maintenance of a minister or ministers, repairing said house and other expenses of public worship, with such incidental charges, as they shall agree upon at any legal meeting called for that purpose; and the same may assess or cause to be assessed, on the polls and estates of said members as aforesaid, as they shall, at such meeting, deem proper; and said society shall be capable in law to purchase and hold estate, real and personal; *provided* the annual income thereof shall not, <sup>May hold real
estate.</sup> at any one time, exceed the value of two thousand dollars.

SEC. 3. *Be it further enacted,* That any person belonging to said town of Leverett, who may be desirous of joining in religious worship with, and becoming a member of the aforesaid society, and give in his or her name to the Town Clerk of said Leverett, with a certificate, signed by the Minister or Clerk of said society, that he or she has actually become a member of, and united with the said Universalist Society in religious worship, shall, from and after giving such certificate, with his or her polls and estate, be considered as part

Conditions of
secession.

of said society : *Provided however*, that such persons shall be holden to pay their proportion of all money granted in the town to which they belonged previous to that time.

SEC. 4. *Be it further enacted*, That if any member of said Universalist Society shall, at any time, see cause to leave the same, and unite with any other religious society, in the towns from which they came, and lodge a certificate of such his or her intention, with the Minister or Clerk of said Universalist Society, and also with the Clerk of the town to which they belong; and shall pay his or her proportion of all money granted by said society previous thereto, such person shall, from and after giving such certificate, with his or her polls and estate, be considered as belonging to the town or parish in which he or she may reside, in the same manner as if he or she had never belonged to the said Universalist Society.

First meeting.

SEC. 5. *Be it further enacted*, That any Justice of the Peace in the county of Franklin, be, and hereby is authorized to issue his warrant, directed to some suitable person, who is a member of said Universalist Society, requiring him to warn and notify the members thereof to meet at such time and place, in said town of Leverett, as shall be directed in said warrant, to choose such officers as parishes and religious societies in this Commonwealth are by law authorized to choose in the month of March or April, annually.

[Approved by the Governor, June 12, 1818.]

CHAP. XXX.

An Act in addition to an act, entitled "An act to incorporate the President, Directors and Company of the Agricultural Bank."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of an act, en-

titled "An act to incorporate the President, Directors and Company of the Agricultural Bank," as regards the time at which the different instalments of the capital stock are required to be paid in, is hereby repealed; and that the stockholders of said bank be, and they are hereby required to pay in the first instalment of fifty dollars on each share, on the first day of September next, the second instalment of twenty five dollars on each share, on the first day of January, in the year of our Lord, one thousand eight hundred and nineteen, and the third instalment of twenty-five dollars on each share, on the first day of April, then next following, or at such earlier times as the stockholders of said bank at any meeting thereof may determine.

[Approved by the Governor, June 12, 1818.]

CHAP. XXXI.

An Act to establish the Bangor Boom Corporation.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joseph Treat, Joseph Lee, John Treat and Jacob Holyoke, their associates, successors and assigns, be, and they are hereby established a corporation, by the name of the Bangor Boom Corporation; and by that name may sue and be sued, prosecute and be prosecuted, shall have a common seal, which they may alter at pleasure, and shall enjoy all the privileges and powers, and do and suffer all such matters and things as are incident to similar corporations. Persons incorporated.

SEC. 2. *Be it further enacted,* That said corporation be, and hereby are empowered, within the term of three years from the passing of this act, to build and hang a boom or booms, for the purpose of stopping and securing masts, logs and other lumber, which are or may be drifted or rafted down Penobscot River; be- Powers and privileges.

ginning at Tippet's Ledge, so called, and extending
 Place of Boom s down the river to the shore at the lower end of Boyd's
 Eddy, so called, in Bangor, together with such side or
 branch booms, piers or other works as may be necessary
 for the safety and convenience of stopping and securing
 such masts, logs and other lumber as aforesaid, and the
 same to keep in good and suitable repair.

Damages ap-
 praised.
 SEC. 3. *Be it further enacted*, That if any person
 or persons shall suffer any damage, by means of build-
 ing or hanging the said boom or booms, or any other
 works connected therewith, and the parties cannot agree
 upon the amount of damages thus occasioned, nor upon
 some suitable person or persons to estimate the same,
 then, in such case, a disinterested committee of three
 freeholders shall be appointed by the Circuit Court of
 Common Pleas for the third Eastern Circuit, when
 holden in and for the county of Penobscot, to ascer-
 tain the damages; and the determination of the com-
 mittee, so appointed, shall be the measure of damages:
 Provided however, that if either party shall be dissatis-
 fied with the report of the said committee, and shall at
 the same session of the Court aforesaid, at which such
 report shall be made, apply to said Court for a trial by
 Jury, in the manner other like causes are determined,
 the Court aforesaid shall have power to determine the
 same by a Jury as aforesaid; and if the verdict of the
 Jury shall not give the party applying a greater sum in
 damages, than the said committee shall have awarded
 as aforesaid, the Court shall award costs against the ap-
 plicants; but if the said decision shall be more favora-
 ble to the party applying than the report of said com-
 mittee, the said Court shall render judgment accord-
 ingly with costs, and issue execution in either case.

Trespasses
 punished.
 SEC. 4. *Be it further enacted*. That if any person
 or persons shall wilfully or mischievously, or in any
 manner, injure or destroy the said boom or booms, or
 any other works therewith connected or parts thereof,
 he, she or they shall pay treble the value of such dam-
 age, as the proprietors of said corporation shall, before
 the court and jury, before whom trial shall be had, make
 to appear they have sustained by means of said tres-
 pass; to be sued for and recovered in any court proper
 to try the same.

SEC. 5. *Be it further enacted*, That a toll or boomage be, and is hereby granted and established for the benefit of the said proprietors, their successors and assigns, according to the rates following, viz. : For each mast twenty-five cents ; each ton of timber ten cents ; Rates of Toll, for Boomage. each spar and board log ten cents ; each thousand of clapboards and staves, boards, plank, or scantling, (board measure) twenty cents ; each thousand of shingles, five cents ; and the same ratio for an equal quantity of any other articles of wood or lumber, for stopping and securing the several articles aforesaid ; and the same toll or boomage, for each and every month the same shall lay secured within the said boom or booms. And the said proprietors or their agent, shall have power to detain the several articles aforesaid, until the said toll or boomage is paid. And if within four months from the time of stopping and securing any of the articles aforesaid, no person or persons shall appear to claim the same, and pay the toll or boomage as aforesaid, it shall be the duty of said proprietors, by their agent as aforesaid, to advertise, for the space of twenty days, in the towns of Bangor and Orono, and in a newspaper printed in the county of Penobscot, if any such there be, all such of the said articles as may remain unclaimed as aforesaid, describing the same as nearly as may be, with the marks thereon ; and if at the expiration of said twenty days, no person shall appear to claim the same, the said proprietors, by their agent as aforesaid, shall proceed to sell the same at public auction, for the most that can be obtained ; and the proceeds of such sale shall be retained by said corporation for the space of two years Sale of unclaimed property. thereafter. And if any person or persons within that time shall appear and prove his or their property in the articles sold as aforesaid, he or they shall be entitled to the overplus of such proceeds, after deducting the respective fees due for stopping and securing the same, and reasonable charges for advertising and selling the same. And if no person shall appear, within the said two years to claim and receive the said overplus, the same shall then become the property of said corporation : *Provided* that the Legislature shall have Overplus retained.

power, at any time to lessen the rate of tolls, as to the Legislature may appear just and reasonable.

SEC. 6. *Be it further enacted*, That any two of the persons named in this act, shall have power to call the first meeting of the proprietors of said corporation, by publishing an advertisement, stating the time and place of such meeting, in the Bangor Weekly Register, fourteen days at least before the same shall be held ; and said proprietors when met as aforesaid, may agree upon the method of calling future meetings, elect officers, and establish such by-laws for the regulation of said corporation, as they may deem necessary, not repugnant to the constitution and laws of this Commonwealth.

[Approved by the Governor, June 12, 1818.]

CHAP. XXXII.

An Act to authorize the raising a Fund, for the support of Public Schools and the Ministry, in the town of Buckfield, in the county of Oxford.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Selectmen and Treasurer of the town of Buckfield, for the time being, shall, *ex officio*, together with other persons, to be annually chosen by the inhabitants of said town, from among themselves, at their meetings in March or April, be, and hereby are appointed Trustees, to sell all the real estate belonging to said town of Buckfield, which was originally reserved in the grant to the proprietors of said town for the use of a grammar school, and for the use of the ministry ; and to put out at interest the money arising from such sale, in the manner and for the purposes hereinafter mentioned.

SEC. 2. *Be it further enacted*, That the said Trustees be, and hereby are incorporated into a body politic, by the name of the Trustees of the School and Ministerial Fund, in the town of Buckfield, in the county

of Oxford; and they and their successors shall be and continue a body politic and coporate by that name forever: And they shall have a common seal, subject to be altered at their pleasure; and they may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the name aforesaid.

Liability of
Trustees.

SEC. 3. *Be it further enacted,* That the said Trustees shall and may annually elect a President, and a Clerk to record the doings of their meetings, and a Treasurer to receive and apply the monies hereinafter mentioned, in the manner directed by this act; and any other needful officer, for the better managing of said funds.

Officers to be
annually chosen.

SEC. 4. *Be it further enacted,* That the number of said Trustees shall always be five, and no more; and any three of their number shall constitute a quorum for doing business; and they shall and may, from time to time, fill up vacancies that may happen, by any cause whatever, from the inhabitants of said town; and said Trustees shall annually hold a meeting in March or April, and as much oftener as may be necessary, to transact the business of said corporation; which meetings shall be called in the way and manner that said Trustees shall hereafter agree upon.

Vacancies
filled up.

SEC. 5. *Be it further enacted,* That the Chairman of the Selectmen of said town, for the time being, shall annually, within ten days after their election, notify the other Trustees of the time and place of their meeting, to make choice of officers for the year, and for transacting the other business of the board; and in this manner shall the annual meetings be called and holden. And to the end that this act may go immediately into operation, the Treasurer and the Selectmen of said town, for the present year, shall and may themselves, should their number be less than five, appoint persons among the inhabitants of said town, to the said office of Trustees, to fill up said number; which persons so appointed, having accepted said trust, shall have all the power and authority of Trustees of said fund during the year, and until the next choice by said town, as is herein provided; which appointment shall be made as soon as may be, after the passing of this act, and no-

Selectmen to
call meetings.

Trustees of
Funds.

tice thereof be given, in writing, to the Clerk of said town, who shall record the same among the town records, and notify the persons so appointed of the same, without delay.

General Powers.

SEC. 6. *Be it further enacted,* That the said Trustees be, and hereby are authorized to sell and convey, in fee simple, all the real estate belonging to said town, as aforesaid, and make, execute and acknowledge a good and sufficient deed or deeds thereof; which deed or deeds, subscribed by the Treasurer of said Trustees, with their seal thereto affixed, shall be good and effectual in law to pass and convey the fee simple from said town to the purchaser, to all intents and purposes whatever.

Disposition of Funds.

SEC. 7. *Be it further enacted,* That the monies arising from the sale of said real estate, shall be put out at interest, as soon as may be, and secured by mortgage of real estate, to the full value of the estate sold; or by two or more sufficient sureties, with the principal, unless the Trustees shall think proper to invest the same in public funded securities, or bank stock of this Commonwealth, which they may do.

Appropriation of interest money.

SEC. 8. *Be it further enacted,* That the interest, arising from time to time, on such monies as shall accrue from the sale of the lands reserved for the use of the ministry, shall be annually, or oftener, if practicable, put out at interest and secured in manner aforesaid, and also the interest accruing from the interest, until the expiration of six years from the sale of said lands, when said town, if they see cause, may appropriate the interest of the whole amount of principal and interest then accumulated, towards the support of the ministry and public worship of God, in said town; or they may let the same continue to accumulate, in the same manner aforesaid, till such time as they shall see fit so to appropriate it. And the interest, from the monies arising from the sale of the school lands, shall be annually appropriated to the use of the schools in said town; and the Trustees aforesaid, shall govern themselves accordingly. And it shall never be in the power of said Trustees, or of said town, to alienate or appropriate the fund aforesaid.

SEC. 9. *Be it further enacted*, That the Clerk of said corporation shall be sworn, previous to his entering on the duties of said office ; and the Treasurer of the Trnstees shall give bond to the inhabitants of said town faithfully to perform his duties, and to be at all times responsible for the faithful application and appropriation of the money, which may come into his hands in his said capacity, conformable to the true intent and meaning of this act, and for all negligence and misconduct, of any kind, in his office. Officers to give security.

SEC. 10. *Be it further enacted*, That the Trustees, or their officers, for the services they may perform, shall not be entitled to any compensation out of the monies arising from the fund aforesaid ; but if entitled to any, shall receive the same of said town, as may be mutually agreed upon. Compensation to Officers.

SEC. 11. *Be it further enacted*, That the said Trustees and their successors, shall exhibit to the town, at their annual meeting in March or April, a regular and fair statement, in writing, of their doings ; which statement shall be placed on file, by the Clerk of said town, and kept by him there. Annual statement of accounts.

SEC. 12. *Be it further enacted*, that the said Trustees shall be responsible to said town for their personal negligence or misconduct, whether they be officers or not, and be liable to a suit for any loss or damage arising thereby ; the debt or damage to be recovered in such suit, to be for the use aforesaid. Responsibility of Trustees.

[Approved by the Governor, June 12, 1818.]

CHAP. XXXIII.

An Act in addition to an act, entitled “ An act to establish the Penobscot Canal Corporation.”

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the proprietors of the Penobscot Canal, in their corporate capacity, be, and

Location of
Canal.

they are hereby empowered to survey, lay out, and make a Canal, with a sufficient number of locks or sluices, from the tide waters of the Penobscot River, at Bangor, to the south end of Pushaw Pond ; thence in or by said Pond, to the outlet thereof ; thence down, in or by Pushaw River, to the Still-water River ; thence up, in or by said Still-water River, to the head of Marsh's Island ; thence in or by the River, through the Thoroughfare, so called, between Marsh's and Orson Islands, to the main Penobscot River ; and shall have power to remove any rocks or other obstructions in said rivers ; and to make dams at such places as may be necessary to flow the water, for the use of said canal.

Powers.

SEC. 2. *Be it further enacted*, That for the purposes of completing said canal, and making the same useful to the public, and beneficial to the proprietors, they shall have power to take and use the waters of the rivers and streams running in the direction of the said canal, by erecting dams, mills, or other manufactories, to the working of which water is or may be necessary ; and they may take and hold in fee simple, a parcel of land not exceeding twenty rods wide, wherever the said canal shall pass ; and where it may pass over land of this Commonwealth, the same is hereby given and granted to the said corporation, to hold in fee simple, and shall be allowed to demand and receive the same rate of toll per mile. for articles passing this, as for the first granted part of said canal, and the said toll shall commence and be payable, when any two miles of said canal is made passable for boats or rafts.

Tolls.

Fish ways to
be kept open.

SEC. 3. *Be it further enacted*, That said corporation shall be bound by and holden to the same conditions and restrictions respecting the time of completing this part of said canal, keeping open fish ways, and like damages to other corporations or individuals, whose land may be taken or flowed for the use of said canal, as is specified in said act of incorporation, and shall be as binding on the said corporation, as if the same was herein particularly recited.

[Approved by the Governor, June 12, 1818.]

CHAP. XXXIV.

An Act in addition to an act, entitled “An act to incorporate the town of Enfield.”

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this act, the boundary line between the towns of Enfield and Greenwich, and north and south parish, shall be as follows, viz. beginning at the north-east corner of Amos Hunter’s farm, at a stake and stones on Pelham south line; thence south, six hundred and eighty-three rods, to a stake and stones standing at the south-west corner of the farm belonging to the heirs of Abel Walker, deceased, and north line of John Rich’s old farm; thence east five degrees north, one hundred and fifty-six rods, to the northwardly bank of Swift River; thence crossing said river in the same direction; thence up the said river, on the bank thereof, twenty-five rods; thence south four degrees thirty minutes west, three hundred and eighteen rods, to the south-west corner of John F. Stevens’ farm, on the hill, Little Quobbin, so called; thence east seven degrees north, seventy-two rods, to a stake and stones; thence east one degree south, fifty-eight rods, to a stake and stones standing at the north-west corner of the Eaton lot, so called; thence east twenty-five degrees south, to a small brook; thence up the middle of said brook, as the stream runs, southerly through the middle of the small pond; thence in a due south course to the county road leading from Hardwick to Enfield; thence crossing said road, to the south side thereof; thence in the south line of said county road, to the line of the town of Hardwick, but so as to include the whole of a school house standing on or near said road, within the town of Enfield.

SEC. 2. *Be it further enacted,* That all the lands lying north and east of the above described line, which belonged to the south parish in Greenwich and the town of Enfield, together with the inhabitants thereon,

Lands set off.

are hereby set off from the town of Enfield and south parish, and annexed to the town of Greenwich; and the north parish, and all the lands lying south and west of the said line, which belonged to the north parish and the town of Greenwich, together with the inhabitants thereon, are hereby set off, and annexed to the town of Enfield, south parish; and the inhabitants so set off on either side, shall enjoy all the rights and privileges, and be subject to all the duties and requisitions in the towns and parishes to which they belong, as the other inhabitants of said towns and parishes.

Payment of taxes.

SEC. 3. *Be it further enacted*, That the inhabitants of said towns and parishes shall be holden to pay all taxes already assessed, or voted to be raised, by either of the said towns or parishes, previous to the passing of this act, in the same manner as if the same had not been passed: *Provided however*, that nothing in this act shall affect the provisions of an act passed February sixteenth, in the year of our Lord one thousand eight hundred and sixteen, for the support of paupers, between the towns of Enfield and Greenwich.

[Approved by the Governor, June 12, 1818.]

CHAP. XXXV.

An Act to incorporate the Proprietors of Mills on Manattiquot River, in Braintree.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Jonas Welsh, Nathaniel Thayer, 2d, Abraham Holbrook, James Holbrook, Abraham Thayer, and James Forster, with their associates and successors be, and they are hereby made a corporation and body politic forever, by the name and style of the Proprietors of Mills on Manattiquot River; with all the powers, privileges and immunities incident to a corporation aggregate; and said corporation is hereby made capable in law of having,

holding, purchasing, and taking in fee simple, or any less estate, by gift, grant, devise or otherwise, any Powers. lands, tenements, hereditaments, or other estate, real, personal or mixed, necessary for the purposes contemplated in this act.

SEC. 2. *Be it further enacted,* That said corporation shall have full power, liberty and authority, to make the reserves of water wished by them, in the following described ponds, or any of them, viz. Houghton's Pond, so called, lying in Canton, between Braintree Great Pond and the Blue Hill, containing about Course of water reserves. thirty acres; Cranberry Pond, so called, situated in the south-east part of Braintree, containing about thirty acres; the Little Pond, so called, lying in the centre of the town of Braintree, containing about seventy acres; the Great Pond, so called, lying partly in the south-west part of Braintree, and partly (about one eighth of the pond) in Randolph, estimated to contain one hundred and thirty acres. And said proprietors are hereby authorized and empowered, by themselves or their agents, in their corporate capacity, to erect Dams. suitable dams at proper places, for said purpose, to preserve said dams in such repair as they may consider necessary to raise the water in said ponds as high as its original bounds, to lower the outlets of said ponds, and to draw off such portions of said waters from any of said ponds, in such quantities, and at such times as they, or a major part of them, or their special agent for that purpose, shall judge best for the interest of all concerned.

SEC. 3. *Be it further enacted,* That said corporation shall have a common seal, and be capable in law to prosecute and defend to final judgment and execution any action or other process, before any court, General Powers. tribunal or magistrate whatever, and to do and perform all such other acts and things, as an aggregate corporation may or of right can do. And they shall have power to appoint a President, Clerk, and such other officers and agents, and to make such by-laws and regulations as they may find necessary; *provided* the same Proviso. are not repugnant to the laws of this Commonwealth.

SEC. 4. *Be it further enacted,* That if any person or persons shall wilfully or maliciously take up,

Penalties.

remove, break down, dig under, or otherwise injure or destroy in any manner, said dams, or any of the gates or waste ways thereof, or any part of them, or shall impede or hinder said proprietors or their agents, in erecting, maintaining or repairing said dams, or any of them, or any of the gates or waste ways thereof, such person or persons shall forfeit and pay to said corporation, a sum not less than fifty dollars, nor more than one hundred dollars, according to the nature and aggravation of the injury done or committed; and such offender shall be further liable to indictment for such trespass; and on conviction thereof, shall be sentenced to pay a fine to the use of the Commonwealth, of not less than ten dollars, nor more than fifty dollars.

First meeting.

SEC. 5. *Be it further enacted*, That any three of the persons named in the first section of this act, may call the first meeting of said corporation, to be holden at such time and place as they may judge proper, they giving two days previous notice to the other proprietors therein named.

Corporation
liable against
overflowing.

SEC. 6. *Be it further enacted*, That in case any damages shall accrue to any person by flowing said ponds higher than by law, or the provisions of this act they are entitled to be flowed, such damage shall be paid by said corporation as is provided for and given in the act, entitled "An act for the support and regulation of mills," and in the several acts in addition thereto.

[Approved by the Governor, June 12, 1818.]

COMMONWEALTH OF MASSACHUSETTS.

SECRETARY'S OFFICE, JULY 20, 1818.

BY this I certify, that the Laws contained in this pamphlet, passed at the Session begun May 27th, and ending June 13th, 1818, have been compared with the originals in this office, and appear to be correct.

ALDEN BRADFORD,

Secretary of Commonwealth.

L A W S

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED JANUARY THIRTEENTH,
AND ENDED FEBRUARY TWENTIETH, ONE THOUSAND EIGHT
HUNDRED AND NINETEEN.

CHAP. XXXVI.

An Act to incorporate the Eastport Mechanic Relief
Society.

SEC. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Daniel Garland, Charles Peavey, Darius Olmstead, Ethel Olmstead, Joshua Haynes, Thomas Haycock, and Jery Burgin, and their associates and successors, be, and they are hereby incorporated and made a body politic, by the name of the Eastport Mechanic Relief Society; and by that name, shall be a corporation, with power to have a common seal; to make contracts, relative to the objects of their institution; to sue and be sued, to establish by-laws and orders for the regulation of the said society, and the preservation and application of the funds thereof; *provided*, the same be not repugnant to the constitution or laws of this Common-

Persons incor-
porated.

Provisos.

wealth; to take, hold, and possess, any estate, real or personal, by gift, grant, subscription, purchase, devise, or otherwise; and the same to improve, lease, exchange, or sell and convey, for the sole benefit of said institution: *Provided*, that the value of the real estate of said society, shall never, at any one time, exceed ten thousand dollars; nor the value of the personal estate, exceed twenty thousand dollars: *Provided. also*, that the funds of said society shall be applied to the relief of poor and indigent mechanics, their widows and orphans, and to none other.

First meeting.

SEC. 2. *Be it further enacted*, That Ethel Olmstead be, and he is hereby authorized to call the first meeting of said society, by giving public notice of the time and place of meeting, by advertisement in the Eastport Sentinel, printed in the town of Eastport, at least seven days prior to such meeting.

[Approved by the Governor, January 26, 1819.]

CHAP. XXXVII.

An Act, in addition to an act, entitled “An act to authorize the town of Hingham to sell certain Real Estate.”

Extension of power.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the provisions of the act, entitled “An act to authorize the town of Hingham to sell certain real estate,” shall extend to all the lands within the said town of Hingham, held by the original proprietors of the township in common and undivided, and voted, by the legal representatives of the said original proprietors, to be given to the inhabitants, at a legal meeting, held by them, on the first Monday of April. in the year of our Lord one thousand seven hundred and eighty-eight, subject always to the conditions of the said vote.

[Approved by the Governor, January 26, 1819.]

CHAP. XXXVIII.

An Act to empower Josiah Little and his associates, to erect a Boom across the Little Amariscoggin River.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Josiah Little, Edward Little, and William Atkinson, together with* Persons incorporated. *such other persons as may hereafter become proprietors in said boom, be, and they are hereby made a corporation, for laying and maintaining a boom across Little Amariscoggin River, by the name of the proprietors of the Pejepscot Boom; and by that name, may sue and be sued, prosecute and be prosecuted to final judgment and execution; and may do, and suffer all such matters and things, as bodies politic and corporate may, or ought to do and suffer: And the said corporation shall keep and use a common seal, which* General Powers. *they may change, alter, and renew, as they may see cause; and shall have all other powers usually given and incident to corporations of a like nature and purpose.*

SEC. 2. *Be it further enacted, That the said Josiah Little and his associates may, by an advertisement, posted up in some public place, in the said town of Pejepscot, call a meeting of the said associates, at* Meetings of incorporation. *such time and place, as shall be therein expressed, giving at least ten days notice of such meeting: And the said associates, being so met, by a vote of the major part present, or represented at said meeting, shall choose a Clerk, Treasurer, and such other officers,* Officers. *as they may, from time to time, find necessary; who shall be sworn to the faithful discharge of their respective trusts; and shall also agree on a method for calling future meetings of the said proprietors, at the same, or any subsequent meetings; and may also make and establish such rules and regulations, as* Rules and regulations. *may be found necessary or convenient for managing the affairs of the said corporation; for collecting the*

May assess and
collect fines.

toll or fees, hereby established; and for the more effectually executing and completing the general purpose of this act; and shall have power to assess and recover reasonable fines and penalties for any breach of such rules and regulations, not exceeding ten dollars: *Provided*, such rules and regulations, shall not, in any case, be repugnant to the constitution and laws of this Commonwealth. And all applications and representations, made at such meetings, shall be in writing, and signed with the name of the persons making the same; which writing shall be filed with, and recorded by the Clerk of the said corporation; and this act, with all the rules, regulations, votes, and doings of the said corporation, shall be fairly recorded by the said Clerk, in a book or books, for that purpose, to be provided and kept.

Fees and tolls.

Proviso.

SEC. 3. *Be it further enacted*, That the said corporation shall be entitled to receive of the respective owner or owners, of logs, masts, and timber, which shall be rafted and secured at said boom, by any person or persons, the following respective fees or toll, viz.: For each mast, eight cents; for each pine mill log, of thirty feet in length, and upwards, six cents; for each pine mill log, under thirty feet, four cents; and for each spruce or hemlock mill log, or stick of timber, three cents: *Provided, however*, that the fees or toll shall, at all times hereafter, be subject to the revision or alteration, of the Legislature.

May sue for de-
linquents' fines.

SEC. 4. *Be it further enacted*, That for the securing and recovering the payment of the respective fees or toll aforesaid, it shall be lawful for the said corporation, by their Agent, or other person, whom they may appoint for that purpose, to sue for and recover, in a due course of law, by an action upon the case, all such fees or toll, for all masts, logs, or timber, secured and rafted as aforesaid, when payment shall be refused or neglected, by the person or persons, subject to pay the same.

Damages for
injuries.

SEC. 5. *Be it further enacted*, That any person or persons, who shall wilfully and maliciously injure or destroy the said boom, or any of its appendages, or means of using and improving the same, shall be liable to pay treble damages, with cost of suit, as shall

be determined in a due course of law, to be sued for and recovered by the proprietors of said boom, in an action of trespass, or on the case.

[Approved by the Governor, January 26, 1819.]

CHAP. XXXIX.

An Act to incorporate the Proprietors of the South West Bend Bridge.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Gideon Curtis, Persons incor- Thomas Freeman, Reuben Blethen, Simeon Kimball, porated. William Newell, Abel Curtis, John Hart, Junior, Nathaniel Gerrish, John Mayall, Joseph H. Hoyt, John B. Dyer, Ebenezer Strout, Daniel Hanson, James Small, Benjamin Peterson, John Cushing, Consider Thomas, Isaac Smith, George Furguson, Turner Curtis, Paul C. Tebbetts, John Ricker, Jonathan Strout, Barnabas Strout, Benjamin H. Mace, John Robinson, 3d, Hiram Hanson, Charles Smith, Junior, Dyer Higgins, Aaron Dwinall, Rogers Goodwin, Warren McLellan, Josiah True, Josiah Colcord, Jonathan Davis, Isaac Furbush, Enoch Tebbetts, Lewis Cushman, James Colby, James Strout, William Gerrish, Alvan Robinson, Samuel Gooch, and Orlando Merritt, with all those who have associated with them, together with all those who may hereafter become proprietors with them, shall be, and hereby are constituted a corporation and body politic, by the name of the proprietors of the South-West Bend Bridge; and by that name may sue and prosecute, and General pow-
ers. be sued and prosecuted to final judgment and execution, and do and suffer all other acts and things, which bodies politic may, and ought to do and suffer; and the said corporation shall have full power and authority to make, have and use a common seal, and the same to break, alter and renew at pleasure.

SEC. 2. *Be it further enacted,* That Benjamin H. Mace, Paul C. Tebbetts, and John Ricker, or any two of them, may, by posting up advertisements in the towns of Durham and Lisbon, call a meeting of the said proprietors, to be holden at some convenient place, near the Androscoggin River, after fifteen days from the posting up said advertisements. And the said proprietors, by a vote of the majority of those present or represented at said meeting, accounting and allowing one vote to each share, shall choose a Clerk, who shall record this act, and truly and fairly record all rules, regulations and votes of said corporation: And said proprietors may, at the same, or any subsequent meetings, choose such other officers as may be found necessary for managing the business of said corporation, and agree upon a method for calling future meetings; also have power to transact any business for the benefit of said corporation; *provided*, it be not repugnant to the constitution or laws of this Commonwealth.

First meeting.

Officers and their duties.

Dimensions of Bridge.

SEC. 3. *Be it further enacted,* That said corporation be, and they are hereby authorized to erect a bridge across said river, between the towns of Durham and Lisbon, near and below Dyer's Ferry, which shall be built of good and sufficient materials, not less than twenty-two feet wide, and well covered with plank or timber, suitable for such bridge; with sufficient rails on each side, for the safety of passengers; and the same shall be kept in good, safe and passable repair; and the fills or string pieces of said bridge, shall be laid at least twenty feet above the surface of the water, at its usual height, in the summer season.

Rates of toll.

SEC. 4. *Be it further enacted,* That for the purpose of reimbursing said proprietors the monies by them expended, or that may hereafter be expended, in building and supporting said bridge, a toll be, and is hereby granted and established, for the sole benefit of said proprietors, according to the rates following, viz.: for each foot passenger two cents; for each person and horse, six and one quarter cents; for each waggon or cart, drawn by one horse, ten cents, and each additional horse, two cents; for each chaise, chair or sulkey, drawn by one horse, twelve and a half cents; each

coach, chariot, phaeton or curricie, drawn by two horses, twenty-five cents, and every additional horse four cents each; for each cart, waggon, or other like carriage of burthen, drawn by two beasts, twelve and one half cents, and every additional beast, two cents; for each sleigh or sled, drawn by one beast, six and a quarter cents, every additional beast two cents each; each wheelbarrow, handcart, or other vehicle capable of carrying a like weight, with one person, three cents; for neat cattle or horses, other than those rode on, or in carriages or teams, two cents each; for sheep and swine, at the rate of six cents the dozen; and to each team one person shall be allowed as driver, and no more, for the toll as established for teams; and at all times when the toll gatherer shall not attend his duty, the gate shall be left open; and the said toll shall commence on the day of opening said bridge for passengers, and shall continue for the benefit of said corporation forever; *provided*, that after the term of twenty years, the rate of toll shall be subject to the Provisos. regulations of government; *and provided, also*, that the proprietors shall build the said bridge twenty-five feet wide, when it shall be rebuilt, in whole or in part, or at any time when the government shall so direct; and the proprietors, at the place or places where the toll shall be received, shall erect, and keep constantly exposed to view, a sign board, with the rates of toll of all tollable articles, fairly and legibly written thereon, in large or capital letters.

SEC. 5. *Be it further enacted*, That if the said corporation shall neglect or refuse, for the space of three years from the passing of this act, to build and complete the said bridge, then this act shall be void Limitation of privilege. and of none effect.

[Approved by the Governor, February 2, 1819.]

CHAP. XL.

An Act for altering the times of holding the Circuit Court of Common Pleas, within the County of Somerset.

Change of
terms.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the third Tuesday of March next, the term of the Circuit Court of Common Pleas, now by law, appointed to be holden at Norridgewock, within and for the County of Somerset, on the Tuesday next preceeding the second Monday of August, shall be holden at Norridgewock as aforesaid, on the last Monday in June: And the term of said Court, now by law, appointed to be holden on the first Tuesday of November, shall be holden at Norridgewock aforesaid, on the first Monday of November: And that the term of said Court, now by law, appointed to be holden on the third Tuesday of March, shall be holden at Norridgewock as aforesaid, on the second Monday of March.*

Writs return-
able.

SEC. 2. *Be it further enacted, That all writs and processes, of what kind soever the same may be, that shall, before the third Tuesday of March next, be made returnable to the said Circuit Court of Common Pleas, on the first Tuesday of August; and all parties and persons, that may, before the said third Tuesday of March, be required and directed to appear on the first Tuesday of August, shall be returned to, entered, appear, and have day, in said Court, on the last Monday of June next.*

[Approved by the Governor, February 2, 1819.]

CHAP. XLI.

An Act to ascertain and establish a part of the West Line of the County of Somerset, and for other purposes.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the west line of the tract of land, called Bingham's Tract or Patent, or otherwise called the Million Acres, lying on both sides of Kennebec River, until it intersects the north line of said Bingham's Tract, including the whole of said Million Acres, shall be, and hereby is established, and declared to be the west line of said County of Somerset.

Boundaries.

SEC. 2. *Be it further enacted*, That the respective Treasurers of the Counties of Somerset, Oxford, Hancock, Penobscot, and Washington, be, and they hereby are empowered to issue their warrants respectively, to the respective Sheriffs of said counties, requiring them to collect the said county taxes within said counties respectively, which have been assessed upon the several towns, and unincorporated plantations, and other tracts of land unimproved, lying within said counties respectively, since the year eighteen hundred and twelve; but upon which townships, or other tracts of unimproved land, there was not, at the settlement of the last valuation, any person residing thereon, or Assessors chosen, to whom the said Treasurers could issue their warrants, for the assessing and collecting thereof: All which sums, are to be collected in the same manner, as Collectors or Constables are directed to proceed in the collecting of taxes laid on nonresident proprietors of unimproved lands, and to be paid into the treasury of the respective Counties of Somerset, Oxford, Hancock, Penobscot, and Washington, on or before the first day of September next: *Provided*, that deductions shall be made and allowed from said county taxes, in the same ratio that deductions were made from the state taxes assessed upon said

Treasurers' Warrants to Sheriffs.

Sheriffs' Duties

Proviso.

lands, by, and conformable to, a resolve passed the seventeenth day of February, one thousand eight hundred and eighteen.

[Approved by the Governor, February 2, 1819.]

CHAP. XLII.

An Act to change the name of the town of Pegypscot.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the name of the town called Pegypscot, shall cease, and the said town shall hereafter be called and known by the name of Danville, the act of incorporation to the contrary notwithstanding.*

[Approved by the Governor, February 1, 1819.]

CHAP. XLIII.

An Act to incorporate the Salem Laboratory Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That George S. Jhonnot, John Punchard, and Isaiah Hacker, and all such persons as may hereafter associate with them, their successors and assigns, being citizens of the United States, shall be, and they hereby are constituted a body politic and corporate, by the name of the Salem Laboratory Company; and by that name, may sue and be sued, plead and be impleaded, defend and be defended, in any Courts of Record, or in any place whatsoever; and shall and may do and suffer all matters,*

Persons incorporated.

acts and things, which bodies politic ought to do and suffer ; and shall have power to make, have and use a common seal, and the same again at pleasure to break, alter and renew ; and also to ordain and put in execution, such by-laws, ordinances and regulations, as to them shall appear necessary and convenient, for the government of said corporation, and for the prudent management of their property and affairs ; *provided*, that such by-laws, ordinances and regulations shall not be repugnant to the laws of this Commonwealth : And the said company shall have all the powers and privileges, and be subject to all the duties contained in an act, entitled “ An act defining the general powers and duties of manufacturing corporations.” General powers.

SEC. 2. *Be it further enacted*, That the said corporation shall be, and hereby is declared capable to have, hold and possess lands, tenements and hereditaments, not exceeding in value the sum of sixty thousand dollars ; and may erect on the same, or any part thereof, all such buildings, furnaces, machinery and apparatus, as may be necessary and proper for making and manufacturing alum, Roman vitriol, aqua fortis, oil of vitriol, and any other chemical article or articles, capable of being manufactured on the premises ; and the said corporation is further authorized to hold and possess personal estate, not exceeding forty thousand dollars in amount ; the whole of which corporate property shall be divided into three thousand shares. May hold real estate.

SEC. 3. *Be it further enacted*, That the shares in the said corporation may be sold and transferred, by deed duly acknowledged by the proprietors thereof, and recorded by the Clerk of said corporation, in a book to be kept for that purpose : And the said corporation are hereby authorized to raise such sums of money as may, from time to time, be necessary for effecting the objects of said corporation, by equal and just assessments on the several shares therein ; and the time when such assessments become due and payable, shall be notified in one of the public newspapers printed in Salem, in the County of Essex, and also in one of the newspapers printed in Boston, in the County of Suffolk ; and the Treasurer of said corporation is hereby authorized to sell at public vendue, the share or shares of Shares may be sold.

any proprietor who shall neglect to pay the assessments laid thereon, when the same shall become due and payable, as aforesaid, or so many of such shares as shall be necessary for that purpose, giving notice of the time and place of such sale, by publishing a notification thereof, in the newspaper in which the laws of this Commonwealth are ordered to be printed, for the time being; and also in one of the newspapers printed in Salem, aforesaid, thirty days, at least, before the time of such sale: And a deed of such share or shares, duly executed and acknowledged, by the Treasurer, and recorded as aforesaid, shall be a valid conveyance of such delinquent proprietor's share or shares, to the purchaser thereof; and the surplus money, arising from such sale, if any remain, after paying the assessments due, and interest thereon, from the time when the same became due, and also all the charges and expenses of such sale, shall be paid to said delinquent proprietor, or his assigns: Or the said corporation may recover the amount of such assessments and interest, with costs, in an action of debt, in any Court having jurisdiction thereof, as they shall elect and determine.

Election of officers.

SEC. 4. *Be it further enacted*, That the proprietors aforesaid shall meet, from time to time, and at such times as shall be provided for, in their by-laws, for the purpose of electing such officers as they shall find necessary, and for transacting any other business relating to the objects of their incorporation; and every proprietor present, or represented at any such meeting, shall be entitled to as many votes as he has shares; *provided, however*, that no proprietor shall, in any case, be entitled to more than twenty votes.

First meeting.

SEC. 5. *Be it further enacted*, That the said George S. Johonnot, is hereby authorized to call the first meeting of said corporation, by an advertisement in one of the newspapers, printed in Salem aforesaid, one week, at least, previous to said meeting; at which first meeting, the proprietors present, shall choose a Clerk, who shall be sworn, or affirmed, to the faithful discharge of his duties: And it shall be the duty of said Clerk, to record this act, the rules and by-laws of said corporation, and the proceedings of the proprie-

tors, at every regular meeting, in a book to be provided for that purpose, and make all other records that may be necessary.

[Approved by the Governor, February 1, 1819.]

CHAP. XLIV.

An Act establishing the Dividing Line between the towns of Wrentham and Foxborough, in the County of Norfolk.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the following described line be in future established as the dividing line between the towns of Wrentham and Foxborough, viz. ^{Boundaries,} beginning at a stake and heap of stones, at the corner of Attleborough and Mansfield, on the county line; thence north, about five degrees east, by sundry marked trees, and other bounds, and through the westerly part of Shepard's Pond, two hundred fifty-three chains and twenty-six links, to a long stone, with stones around, on a rocky hill; thence north, twenty-six degrees, thirty minutes east, five chains and three quarters, to a high rock, with stones on it; thence north, four degrees, ten minutes east, seventy chains and three quarters, to a flat rock, on the north side of the way, leading from one of said towns to the other; thence north, twenty-six degrees east, thirty eight chains, to Dedham Rock, (so called,) being the corner of Walpole: the farm formerly owned by Thomas Brastow, to remain to the town of Wrentham, as expressed in the act incorporating the town of Foxborough. And wherever the line aforesaid, shall happen to divide the land of any inhabitant of said towns ^{Locations.} of Wrentham and Foxborough, all said land shall be subject to taxation in that town in which the present owner dwells, so long as it remains the property of him or his heirs.

Repairs of
roads.

SEC. 2. *Be it further enacted*, That so long as the farm, formerly owned by Thomas Brastow aforesaid, belongs to the town of Wrentham, said town shall repair the road from Flat Rock, to the Turnpike ; and the town of Foxborough from thence by the widow Tolman's, to the Turnpike, near the house of Aaron Everett, Esquire ; and the town of Wrentham shall repair the Hopp Pole Road, (so called,) from the Turnpike, by said Everett's house, till it comes to the place where it is discontinued by said town.

[Approved by the Governor, February 3, 1819.]

CHAP. XLV.

An Act to prevent the destruction of Pickerel, in the Ponds and Streams within this Commonwealth.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, it shall not be lawful for any person to take any of the fish, called pickerel, in any of the ponds, rivers or streams within this Commonwealth, with spears, in the night time, or by shooting them, at any time ; and every person offending, contrary to the true intent of this act, upon conviction thereof, before any Justice of the Peace, shall pay a fine of fifty cents for each and every pickerel so taken, to and for the use of the person who shall sue for the same.

[Approved by the Governor, February 3, 1819.]

CHAP. XLVI.

An Act to change the name of the Canaan Academy.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the name of the academy, established in the town of Bloomfield, in the County of Somerset, by the name of the Canaan Academy, shall, from and after the passing of this act, be called and known by the name of Bloomfield Academy.

[Approved by the Governor, February 3, 1819.]

XLVII.

An Act repealing an Act to regulate the Collection of Taxes in the town of Marblehead.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That an act passed on the nineteenth day of October, in the year of our Lord one thousand eight hundred and fourteen, entitled "An act to regulate the collection of taxes in the town of Marblehead," be, and the same is hereby repealed; *Provided, however*, that this act shall not be construed so as to prevent the present Treasurer and Collector of said town, from completing the collection of all such taxes as are already committed to him to collect, by the Assessors of said town, in the same manner as though this act had not been passed.

[Approved by the Governor, February 4, 1819.]

CHAP. XLVIII.

An Act in addition to an act, entitled “An act incorporating the President, Directors and Company of the New England Bank.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the President, Directors and Company of the New England Bank, are hereby made capable in law, as a corporation, to have, hold, purchase, receive, possess, enjoy and retain, to them, their successors and assigns, lands, rents, tenements and hereditaments, to the amount of seventy thousand dollars, and no more, at any one time, with power to bargain, sell, and dispose of the same.*

[Approved by the Governor, February 4, 1819.]

CHAP. XLIX.

An Act to annex Amos Knight and Ephraim Morse, with their families and estates, to the town of Falmouth.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Amos Knight and Ephraim Morse, with their polls, families and estates, be, and they are hereby set off from Westbrook, and annexed to Falmouth, in the County of Cumberland; there to do duties and enjoy privileges, equally with the other inhabitants of the said town of Falmouth, as fully and completely, as though the said Knight and Morse, with their estates, had been originally included in said town: Provided, however, that the said Knight and Morse shall be holden to pay their proportion of all taxes, and of all monies granted by the*

said town of Westbrook, prior to the passing of this act, in the same manner, as they were before holden to pay to the same.

[Approved by the Governor, February 4, 1819.]

CHAP. L.

An Act to amend an act, entitled “An act concerning Plates for Printing Bank Notes.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this act, it shall be lawful for Abraham Perkins, owner of the stereotype plate used for printing bank bills, to keep possession of the said plate, and use the same, in the same manner as by law he might do, if the act aforesaid, of which this is an amendment, had not been passed.

[Approved by the Governor, February 8, 1819.]

CHAP. LI.

An Act granting further time to the President, Directors and Company of the Pawtucket Bank, to pay in the Fourth Instalment of their Capital Stock.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the fourth instalment of twenty-five dollars, on each share of the capital stock of the Pawtucket Bank, in lieu of being paid in at the time by law now prescribed, may be paid in, at the discretion of the stockholders of said bank, at

any time within one year from the passing of this act ; any thing in the several acts concerning said bank, to the contrary notwithstanding.

[Approved by the Governor, February 9, 1819.]

CHAP. LII.

An Act to incorporate the Town of Sandisfield and District of Southfield into one Town.

Conditions.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the tenth day of February, eighteen hundred and nineteen, the town of Sandisfield and district of Southfield, in the County of Berkshire, be, and they are hereby united into one town. by the name of Sandisfield, upon the following conditions, viz. : First, the district of Southfield shall be annexed to and united with the town of Sandisfield, and shall become one town, for and to all intents and purposes, on the tenth day of February, eighteen hundred and nineteen ; and shall thenceforth exercise and enjoy all the benefits, privileges and immunities, and shall be liable to all the charges, burthens and expenses of a town, except as is hereafter excepted. Second, the town of Sandisfield shall fulfil all its contracts, pay all debts and expenses which are or may be made, or may accrue, before the first Monday of March next, and shall pay the expense and charges of all suits at law, which now are or may be commenced by said town, or against it, before the said first Monday of March next. Third, the district of Southfield shall fulfil all contracts, and pay all debts and expenses of said district, which are now or may be made, or which may accrue, before the said first Monday of March next, and shall pay the expense of all suits at law, which are or may be commenced by or against said district, before the said first day of March next. Fourth, the district of

Southfield may use, sell, or in any way dispose of their law library, weights, scales, beams and measures, for their own use and benefit. Fifth, the District of Southfield shall raise and pay over to the town of Sandisfield, to be added to the school fund of said Sandisfield, a sum of money which shall be in the same proportion to the said school fund, as the property and polls of said district shall bear to the property and polls of said Sandisfield; and the district of Southfield shall pay the lawful interest on the sum so raised, from the fifteenth day of October, eighteen hundred and seventeen, to the fifteenth day of October, one thousand eight hundred and eighteen. Sixth, the district of Southfield shall raise and pay over to the town of Sandisfield, one further sum of seven dollars and fifty cents. Seventh, the district of Southfield shall deposit in the magazine of Sandisfield their military stock and camp equipage, which shall be equal to the military stock and camp equipage of the town of Sandisfield, in proportion to the number of militia, in the said district.

SEC. 2. *Be it further enacted,* That the present Selectmen of the town of Sandisfield be, and they are hereby authorized and empowered to issue their warrant in the month of February current, directed to the Constables of the town of Sandisfield, requiring them to notify and warn a meeting of the inhabitants of the town of Sandisfield, seven days at least before the first Monday of March next, to meet and assemble on the said first Monday of March next, at such place in said town, as the said Selectmen shall appoint, for the purpose of choosing town officers, and doing such other business as shall be expressed in the said warrant. Town meeting.

[Approved by the Governor, February 8, 1819.]

CHAP. LIII.

An Act to incorporate the First Baptist Society in the town of Longmeadow.

Persons incorporated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Gideon Gardner, Abiel Pease, Theophilus Sweetland, Thaddeus Billings, Thaddeus Billings, Junior, Levi Billings, Daniel Billings, Ephraim Hunn, Junior, Joseph Scott, Libni Hall, Amos Hull, Loring Lathrop, Abner Lard, Burgess Salisbury, Jared Goodrich, Abner Salisbury, Nathaniel Goodrich, Alvin Hall, Daniel Porter, Daniel Porter, Junior, Luther Markham, William Wallace, Abiel Hancock, Azariah Hancock, Ziba Crane, Daniel Austin, Levi Cadwell, Henry C. Fuller, Abel Pease, Hubbard Gardner, Nathaniel Waterhouse, Gideon Hunn, Isaac Pease, Seth Kibbe, Nathaniel Waterhouse, Junior, Israel Markham, David Hunn, Oliver Dwight, Andrew McIntosh, Robert McIntosh, Hezekiah Crane, Ebenezer McGregory, Ebenezer McGregory, Junior, Joseph McGregory, Josiah Blodget, Samuel Billings, Jacob Hills, Jacob Hills, Junior, Bishop Hills, Calvin Pease, Samuel Morgan, Junior, Samuel Morgan, Shubael Pease, and Jeremiah Brown, with their families and estates, together with such others, being inhabitants of said Longmeadow, as may associate with them hereafter, for the same purpose, in the manner hereinafter described, be, and they are hereby incorporated into a religious society, by the name of the First Baptist Society in the town of Longmeadow; with all the powers, privileges and immunities, to which other parishes are entitled by the constitution and laws of this Commonwealth, for religious purposes only.

SEC. 2. *Be it further enacted,* That any person in said town of Longmeadow, being of the Baptist denomination, who may, at any time hereafter, actually become a member of, and unite in religious worship with the society aforesaid, and give in his or her

name to the Clerk of the town or parish, to which he or she belongs, with a certificate signed by the Minister or Clerk of said society, that he or she has actually become a member of, and united in religious worship with the aforesaid Baptist Society in Longmeadow, fourteen days previous to the town or parish meetings, to be held in the months of March or April annually, shall, from and after giving such certificate, with his or her polls and estate, be considered as part of said society: *Provided, however,* that such person shall be holden to pay their proportion of all money assessed in the town or parish, to which he or she belonged previous to that time.

Qualification
of Members.

SEC. 3. *Be it further enacted,* That if any member of said society shall, at any time, see cause to leave the same, and unite in religious worship with the parish in which he or she may reside, and shall lodge a certificate of such his or her intentions with the Clerk or Minister of said Baptist Society, and also with the Clerk of the town or parish in which he or she may reside, fourteen days at least, before the annual town or parish meeting, to be held therein, in the month of March or April annually; and shall pay his or her proportion of all money assessed on said society previous thereto, such person shall, from and after giving such certificate, with his or her polls and estate, be considered as belonging to the town or parish in which he or she may reside, in the same manner as if he or she had never belonged to said Baptist Society.

Terms of se-
cession.

SEC. 4. *Be it further enacted,* That any Justice of the Peace within the County of Hampden be, and he is hereby authorized, on application therefor, to issue a warrant, directed to some suitable member of said Baptist Society, requiring him to notify and warn the members thereof, to meet at such time and place as shall be appointed in said warrant, to choose such officers as parishes in this Commonwealth are by law authorized to choose in the month of March or April, annually.

First meeting.

[Approved by the Governor, February 8, 1819.]

CHAP. LIV.

An Act incorporating certain persons for the purpose of building a Bridge over Androscoggin River, in the town of Rumford.

Persons incor-
porated.

General Pow-
ers.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Daniel Martin, Ezra Smith, Francis Cushman, David Burbank, Luther Bean, Nathaniel Rolf, Kimbal Martin, Joel How, and Peter C. Virgin, together with such others as may hereafter associate with them, and their successors and assigns, shall be a corporation, by the name of the Proprietors of Rumford Bridge; and by that name, may sue and be sued, to final judgment and execution, and may do and suffer all such matters, acts and things, which bodies politic may and ought to do and suffer; and the said Corporation shall have full power and authority to make, have and use a common seal, and the same to break, alter and renew at pleasure; and the said corporation shall be, and they are hereby authorized to erect a bridge over Androscoggin River, in Rumford, between the mouth of Ellis' River and Kimball's Ferry; and the said bridge shall be well built of good materials, not less than twenty-four feet wide, and well covered with plank or timber, with sufficient rails on each side, for the safety of passengers.

First meeting.

SEC. 2. *Be it further enacted*, That any three of the persons before named, may call the first meeting of the said proprietors, by posting up notifications in two or more public places in the town of Rumford, and in two adjoining towns, fourteen days prior to the time appointed for such meeting; and the said proprietors, by a vote of a majority of those present, accounting and allowing one vote to each share, *provided*, no person, either by his own right or by proxy, shall be entitled to more than ten votes, shall choose a Clerk, who shall be sworn to the faithful discharge of the duties of his office; also may, at the same time, or at any subse-

quent meeting, choose such other officers as may be found necessary for managing the business of said corporation, and shall agree on the method of calling future meetings ; and may make and establish such rules and regulations as shall be deemed convenient and necessary for regulating said corporation, for effecting and completing and executing the purposes aforesaid, and for collecting the toll herein granted ; and the same rules and regulations may cause to be observed and executed ; and for the breach of any of them, may order and enjoin fines and penalties not exceeding twenty dollars ; *provided*, that said rules and regulations be not repugnant to the laws and constitution of this Commonwealth.

SEC. 3. *Be it further enacted*, 'That a toll be, and hereby is granted and established, for the use and benefit of said corporation, according to the rates following, viz. : for each passenger, or one person passing said bridge on foot, two cents ; one person and a horse, six cents ; a single horse cart, sled or sleigh, eight cents ; each wheelbarrow, hand cart, and every other vehicle capable of carrying a like weight three cents ; each team, including cart, sled or sleigh, drawn by more than one beast, and not exceeding four, sixteen cents ; and for every additional beast above four, two cents ; each single horse and chaise, chair or sulkey, eighteen cents ; each coach, chariot, phaeton and curricie, thirty-seven cents ; neat cattle and horses, exclusive of those rode on, or in carriages, or in teams, three cents ; each sheep and swine, one cent ; and the same toll shall be paid for all carriages passing said bridge, whether the same be loaded or not ; and to each team one man, and no more shall be allowed as a driver, to pass free from payment of toll ; and at all times, when the toll gatherer shall not attend his duty at said bridge, the gate or gates shall be open. And the said toll shall commence on the day of the first opening of said bridge for passengers, and shall continue for and during the term of fifty years from the said day, and be collected, as shall be prescribed by said corporation ; *provided*, the said proprietors shall, at all times, keep said bridge in good repair, and at the end of the said term, deliver the

Rates of toll.

Duration of
charter.

same to the Commonwealth, for their use: *Provided also*, that at the place where the toll shall be collected, there shall be continually kept on a board or sign, exposed to open view, the rates of toll in legible letters.

Conditions. SEC. 4. *Be it further enacted*, That if the said corporation shall neglect or refuse, for the space of three years from the passing of this act, to build and complete said bridge, then this act shall be void and of no effect.

Exemption of toll. SEC. 5. *Be it further enacted*, That all persons, with their carriages and horses, passing to and from their usual places of public worship, and all persons passing to and from funerals, and all persons when called out on military duty, be, and hereby are exempted from paying the toll required by this act.

Tolls subjected to alteration. SEC. 6. *Be it further enacted*, That, at the expiration of fifteen years from the opening of said bridge, the General Court may regulate anew the rates of toll receivable thereat.

[Approved by the Governor, February 8, 1819.]

CHAP. LV.

An Act to authorize the sale of the Ministerial and School Lands in the town of Rumford.

Trustees. SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Francis Keyes, William Wheeler, Nathan Adams, Joshua Graham, Daniel Knight, Hezekiah Hutchins, and Peter C. Virgin, be, and they hereby are appointed Trustees to sell all the ministerial and school lands, in the town of Rumford, in the County of Oxford, and the monies arising from the sale of said lands, to put out at interest in the manner hereafter directed; and the said Trustees are hereby made a body politic and corporate, by the name of the Trustees of the Congregational,

Ministerial and School Funds of the town of Rumford ; and they and their successors in that office, shall have and use a common seal, and by the name aforesaid, may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution ; and shall exercise all the powers and privileges incident to similar corporations.

General powers.

SEC. 2. *Be it further enacted,* That the said Trustees and their successors in office, shall annually elect a President and a Clerk, to record the doings of said Trustees, and a Treasurer to receive and apply the monies belonging to the said funds, as is directed in this act ; also any other needful officers or agents for the better managing their business ; and all such elections shall be by written votes.

Election of officers.

SEC. 3. *Be it further enacted,* That the number of said Trustees shall never exceed seven, nor be less than five, any four of whom, may be a quorum for doing business ; and they shall have power, from time to time, to fill up all vacancies in their number, from the inhabitants of said town ; and they shall also have power to remove any one of their number, who by reason of age, infirmity, misconduct, or any other cause, may become unable or unfit to discharge his duty, and supply any vacancy so occasioned, by a new choice from the inhabitants of said town ; and each of the said Trustees shall be responsible to the said town of Rumford for their personal misconduct or neglect, whether they be officers or not, and liable to prosecution for any loss or damage to the said funds, arising thereby ; and the debt or damage recovered in such suit, shall be considered as belonging to said funds, and applied accordingly ; and the said Trustees shall hold a meeting, annually, in March, and as often as the affairs of said funds may require ; which meetings shall be notified and called in such way and manner, as the said Trustees at any meeting, may order and direct ; and the Treasurer of said funds shall give bonds to the acceptance of said Trustees, for the faithful performance of his duty ; and the Clerk shall be sworn to the faithful discharge of his trust.

Vacancies to be filled up.

Officers may be prosecuted.

SEC. 4. *Be it further enacted,* That the said Trus-

Trustees may
sell lands.

tees are hereby authorized to sell and convey all the ministerial and school lands in the said town of Rumford, which were reserved in its grant and location, and to make, execute, acknowledge and deliver a good and sufficient deed or deeds thereof; which deed or deeds, subscribed by the Treasurer and countersigned by the Clerk, with the seal of the said Trustees affixed, shall be good and effectual in law to convey the fee simple from said town to the purchaser; and all the monies arising from the sale of the ministerial and school lands in the said town of Rumford, shall be put to use, as soon as may be, and secured by mortgage on real estate, to double the value of the property sold, or money loaned, or by two or more sureties with the principal; unless the said Trustees shall think it more expedient to invest the same in public funded securities, or bank stock, which they may do at their discretion.

Pay of Trustees.

SEC. 5. *Be it further enacted,* That it shall be the duty of the said Trustees to keep distinct accounts of the monies accruing from the sale of the said school lands, from those of the ministerial lands, and of the interest arising therefrom, respectively; which accounts they and their successors in office shall exhibit to the town, at their annual meeting for the choice of Town Officers. And the said Trustees and others, who may by them be employed in the business of the said funds, shall receive no compensation from the monies of the said funds; but a reasonable compensation may be made them by the town, at their discretion; and the interest accruing on the monies, coming from the sale of the said ministerial lands, shall be uniformly applied and appropriated for the support of a Congregational Minister in said town of Rumford. And the interest accruing on the monies, coming from the sale of the said school lands, shall be appropriated and uniformly applied for the support of instruction in the public free schools in the said town of Rumford: And it never shall be in the power of said town, to alienate or alter the appropriation of the said funds, provided in this act.

SEC. 6. *Be it further enacted,* That any Justice of the Peace for the County of Oxford, upon application

therefor, is hereby authorized to issue a warrant, directed to one of the Trustees before named, requiring ^{First meeting.} him to notify and call the first meeting of the said Trustees, at such convenient time and place, as shall be appointed in the said warrant, to organize the said corporation, by the election and appointment of its officers.

[Approved by the Governor, February 8, 1819.]

CHAP. LVI.

An Act to incorporate the Baptist Church in Cambridge.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That William Brown, Elijah Cory, Timothy Cory, Josiah Coolidge, David Coolidge, Levi Farwell, David Richards Griggs, Thomas Griggs, Stephen Griggs, John Greenleaf, James Hovey, Ebenezer Hovey, William Hovey, Samuel Hancock, Bela Jacobs, Calvin Morse, Simon G. Shipley, Cornelius Stone, Nathaniel Stone, Daniel Stone, Ellis Prentiss, Nathan Palmer, and Abijah Stone, Junior, with their polls and estates, together with such others as may hereafter associate with them, and their successors, be, and they are hereby incorporated as a religious society, by the name of the Baptist Church in Cambridge, with all the powers and privileges, and subject to all the duties of other religious societies, according to the constitution and laws of this Commonwealth.* ^{Persons incorporated.}

SEC. 2. *Be it further enacted, That the members of the said society, shall annually, in the month of March, at a legal meeting, duly warned for that purpose, choose nine persons, to be Trustees of the funds of the said society, six of whom, at least, shall be members of the said church; and the said Trustees shall hold their office for one year, and until others shall be chosen in their stead.* ^{Trustees.}

Vacancies to
be filled.

SEC. 3. *Be it further enacted*, That whenever any vacancy shall happen in the Board of Trustees of the said society, by death, resignation, removal, or otherwise, the members of the said church, at any meeting legally warned, shall be authorized to fill such vacancy within one month after it shall happen ; and if the members of said church shall neglect so to do, the remaining Trustees, by a major vote, shall have power to fill such vacancy.

General pow-
ers.

SEC. 4. *Be it further enacted*, That the Trustees who may, from time to time, be chosen, according to the provisions of this act, be, and they hereby are vested with power, by the name of the Trustees of the Funds of the Baptist Church in Cambridge, to demand, sue for, recover, receive, and manage, all property, whether real, personal, or mixed, which now does or hereafter may constitute the funds of the said church, or any part thereof, and all securities for, and evidences of such property, and to receive and manage for the use and benefit of the said church, all subscriptions, donations, grants, bequests, devises, and appropriations, that may be made to the said church ; and shall apply the proceeds and income thereof, to the use of the ministry in said church, or to repair, alter, or enlarge the meeting-house, as they shall, from time to time, be directed by the said church : *Provided*, that the annual income of the said funds shall not, at any time, exceed four thousand dollars.

Privileges.

SEC. 5. *Be it further enacted*, That the said Trustees may assemble and meet as often as they may think necessary, for the discharge of their trust ; any six of whom, shall constitute a board for doing business ; but the concurrence of four, at least, shall be requisite to every act and procedure whatever ; they shall determine the manner of calling their meetings ; they shall appoint a Treasurer and Clerk, and other needful officers and committees ; they may make rules and by-laws for the government of themselves and their officers, and annex penalties for the breach thereof, not repugnant to the laws of this Commonwealth ; they may have a common seal, and change the same at pleasure ; they may alienate by deed or deeds, any real estate, the title whereof may be vested in them by

way of mortgage, execution, or operation of law ; and all instruments signed by the Clerk and Treasurer, in conformity with a vote of said Trustees, and sealed with their seal, duly acknowledged, shall be good and valid.

SEC. 6. *Be it further enacted*, That the Clerk of the Trustees aforesaid, shall be sworn to the faithful discharge of the duties of his office ; shall have the care and custody of all papers and documents, excepting bonds, notes, mortgages, and other securities for debts belonging to the Trustees ; shall record all their votes and proceedings in a book to be kept for that purpose ; shall make and certify copies of the same, when thereunto required ; shall call meetings of said Trustees, when he may think it necessary, or when thereto directed to by said Trustees ; and do whatever else may be incident to his office.

Officers, and
their duties.

SEC. 7. *Be it further enacted*, That the Treasurer of the Trustees aforesaid, shall have the care and custody of all bonds, notes, mortgages, and other securities for and evidences of debts due to the Trustees ; and shall give bond to the Trustees and their successors, with sufficient sureties, to be approved by them, in such penal sum as they shall require, not less than double the amount of the fund which they may then possess in their said capacity, with condition to do and perform all the duties incumbent on him as Treasurer ; and he shall render an account of his doings, and of the state of the said fund, whenever he shall be thereto required by the Trustees.

Accountability.

SEC. 8. *Be it it further enacted*, That it shall be the duty of the said Trustees to use, manage, and improve such fund or estate, as shall be vested in them by virtue of this act, with care and vigilance, so as best to answer and promote the design and will of the respective donors ; and the said Trustees shall be accountable to the Baptist Church in Cambridge aforesaid, for negligence or misconduct, in the management or disposition thereof, whereby the same may be impaired or suffer diminution ; and the Baptist Church aforesaid may have and maintain a special action of the case against any member or members of the Board of Trustees aforesaid, who may be guilty of any such

Special actions.

negligence or misconduct, jointly or severally, and recover adequate damages therefor; and any sum so recovered, shall be appropriated to increase said fund, and paid to the Treasurer accordingly.

First meeting. SEC. 9. *Be it further enacted,* That the aforesaid William Brown, David Coolidge, and Levi Farwell, or any two of them, are hereby authorized and directed to notify and warn the first meeting of the Baptist Church in Cambridge aforesaid, which shall be held on the second Monday of March next.

[Approved by the Governor, February 8, 1819.]

CHAP. LVII.

An Act to incorporate the Gloucester Fishing Company, in the town of Gloucester.

Persons incorporated. SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That William Pearce, William Saville, Benjamin K. Hough, Israel Trask, William Babson, Junior, Zachariah Stevens, William Pearce, Junior, William W. Parrot, and Samuel Pearce, all of Gloucester, and their associates, successors and assigns, be, and they hereby are constituted a body corporate and politic, by the name of the Gloucester Fishing Company; and the said corporation, by the same name, are hereby declared and made capable in law to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure; to make rules and by-laws for the regulation and management of the concerns of said company, consistent with the laws of this Commonwealth, and of the United States.

Capital Stock. SEC. 2. *Be it further enacted,* That the capital stock of said company, shall consist of twenty-five thousand dollars, in shares of one hundred dollars each, with liberty to extend their capital to fifty thousand dollars. The amount subscribed and paid shall

be invested in vessels and materials necessary to carry on the cod and other fisheries; fifteen per centum of which, may be invested in real estate necessary to make and cure their fish, and for the accommodation of their vessels; *provided, however*, that no authority shall be had by virtue of this act, until the sum of twenty-five thousand dollars aforesaid, shall have been actually paid. Proviso.

SEC. 3. *Be it further enacted*, That the affairs of said company shall be managed by five Directors, to be chosen by the stockholders, on the first Monday of January annually; and the Directors so chosen, shall have liberty to appoint an agent to superintend the affairs of said company; and all purchases made and engagements entered into by the said agent, when sanctioned by the Directors aforesaid, shall be binding on said company. At all meetings of the stockholders for the choice of Directors or for other purposes, the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold in the following proportions; that is to say, for one share, one vote; and every two shares above one, shall give a right to one vote more; *provided*, no one member shall have more than ten votes; and absent members may vote by proxy, being authorized in writing. Officers.

SEC. 4. *Be it further enacted*, That whenever in the opinion of the Directors of said company, it shall appear for their interest, any part of the vessels and stock of said company may be employed in commercial pursuits, connected with and arising out of those of fishing, conforming themselves to the laws of the United States and of this Commonwealth. Privileges.

SEC. 5. *Be it further enacted*, That no dividend shall be made by the company aforesaid, except of their annual profits; and in no instance shall a dividend be made to impair the capital stock actually paid in. Dividends.

SEC. 6. *Be it further enacted*, That William Pearce, William Saville, and Benjamin K. Hough, be, and they hereby are empowered, to call the first meeting for the choice of Directors, as soon as convenient, after passing of this act, by posting up notices at one or First meeting.

more places within the town of Gloucester, at least seven days before said meeting.

Limitation.

Proviso.

SEC. 7. *Be it further enacted*, That this act shall continue, and be in force for the term of twenty years. *Provided, however*, that whenever a majority shall agree thereto, the stock of said company may be divided, they first paying all debts, dues and demands, against them.

Real estate
may be at-
tached.

SEC. 8. *Be it further enacted*, That whenever any action shall be commenced against said corporation, or whenever any execution may issue against such corporation on any judgment rendered in any civil action, and the said corporation shall not, within fourteen days after demand thereof made upon the President, Treasurer, or Clerk of such corporation, by the officer, to whom the writ or execution, against such corporation, has been committed to be served, shew to the same officer, sufficient real or personal estate to satisfy any judgment, that may be rendered upon such writ, or to satisfy and pay the creditor, the sums due upon such executions, then and upon such neglect and default, the officer to whom such writ and execution may have been committed for service, shall serve and levy the same writ or execution, upon the body or bodies, and real and personal estate or estates, of any member or members of such corporation.

[Approved by the Governor, February 8, 1819.]

CHAP. LVIII.

An Act to repeal in part an act, entitled "An act in further addition to an act establishing a Law Term of the Supreme Judicial Court, to be holden within and for the Counties of Plymouth and Bristol."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the second section of an act passed on the twelfth day of June, in the

year of our Lord one thousand eight hundred and eighteen, entitled "An act in further addition to an act establishing a law term of the Supreme Judicial Court to be holden within and for the Counties of Plymouth and Bristol," be, and the same is hereby repealed.

[Approved by the Governor, February 11, 1819.]

CHAP. LIX.

An Act establishing the Dover Iron Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John H. Rice, Samuel Fisher, Junior, Timothy Allen, Junior, Frederick Barden, John Williams, Nathaniel Chickering, Joseph Clark, Daniel Adams, and Daniel Chickering, together with such other persons as have associated, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Dover Iron Company, for the purpose of rolling and slitting iron and manufacturing nails, and other modifications of iron, in the District of Dover, in the County of Norfolk; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed in the year of our Lord one thousand eight hundred and nine, entitled "An act defining the general powers and duties of manufacturing corporations." Persons incorporated.

SEC. 2. *Be it further enacted,* That the said Corporation may be lawfully seized of such real estate, not exceeding the value of fifty thousand dollars, and such personal estate, not exceeding sixty thousand dollars, as shall be necessary and convenient for establishing and carrying on the manufactories aforesaid. May hold real estate.

[Approved by the Governor, February 11, 1819.]

CHAP. LX.

An Act in addition to an act, entitled “An act empowering the Judges of Probate to appoint Guardians to Minors and others.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That whenever the Selectmen of any town, or a major part of them, shall make application to the Judge of Probate for the appointment of a Guardian to any person, who, by excessive drinking, gaming, idleness, or debauchery, is wasting his estate, agreeable to the provisions of the act passed on the tenth day of March, in the year of our Lord one thousand seven hundred and eighty-four, entitled “An act empowering the Judges of Probate to appoint Guardians to minors and others;” and the Judge of Probate shall, by his decree, order notice to the person complained against, the complainants may file a copy of their said complaint, with the order of the Judge of Probate thereon, in the office of the Register of Deeds for the same county: And in case a Guardian shall be appointed by the Judge of Probate, to the person complained against, all and every gift, bargain, sale or transfer of any real or personal estate, made by such person or persons, after the filing of the copy of said complaint and order of the Judge of Probate with the Register of Deeds, shall be void and of no effect.

[Approved by the Governor, February 11, 1819.]

CHAP. LXI.

An Act in addition to an act, entitled “An act to incorporate the China Academy.”

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the following per-

sons be, and they are hereby appointed Trustees of the China Academy, in addition to the present Board, viz. Reverend Jeremiah Chaplin, Honorable Thomas Rice, Samuel Bedlington, Philip Leach, William Sibley, Jonathan Winslow, Thomas Eastman, and Japheth C. Washburn, Esquires. Persons incorporated.

SEC. 2. *Be it further enacted*, That the number of Trustees of said Academy, shall never be more than fifteen, nor less than five, any thing in the act to which this is in addition, to the contrary notwithstanding; Number of Trustees. and any five of said Trustees shall constitute a quorum for transacting business.

[Approved by the Governor, February 11, 1819.]

CHAP. LXII.

An Act for changing the name of the Second Congregational Society in Charlestown.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, the name of the Second Congregational Society in Charlestown, shall be changed, and the said society shall be known and called by the name of the New Church in Charlestown; any thing in the act incorporating said society, to the contrary notwithstanding.

[Approved by the Governor, February 11, 1819.]

CHAP. LXIII.

An Act to set off Lebbius Simmons and others, from Twenty Five Mile Pond Plantation, in the County of Kennebeck, and annex them to the town of Joy.

Persons set off. **SEC. 1.** *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Lebbius Simmons, John Conner, Lebbius Simmons, Junior, and Andrew Bennett, with their polls and estates, be, and they are hereby set off from Twenty Five Mile Pond Plantation, and annexed to the town of Joy, in the County of Kennebeck, as follows, viz.: Beginning on the north line of the town of Unity, on the east side of Twenty Five Mile Pond, thence by the easterly shore of said Pond to the north-west corner of the lot of*

Boundaries. *land that Andrew Bennett now lives upon; thence easterly on the north line of said lot to the west line of said town of Joy; thence south on said west line of Joy, to said north line of Unity; thence west-north-west to the bound first mentioned.*

SEC. 2. *Be it further enacted, That the said Lebbius Simmons, John Conner, Lebbius Simmons, Junior, and Andrew Bennett, shall be holden to pay all taxes already assessed upon them by said plantation.*

[Approved by the Governor, February 11, 1819.]

CHAP. LXIV.

An Act in addition to an act, entitled "An act granting to John L. Sullivan, a term of time for the use of his Patent Steam Tow Boats on Connecticut River, within this Commonwealth."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the proviso in the act, passed on the seventh day of February, in the*

year of our Lord one thousand eight hundred and fifteen, entitled "An act granting to John L. Sullivan a term of time for the use of his Patent Steam Tow Boats on Connecticut River, within this Commonwealth," be, and the same is hereby extended to a further period of two years.

[Approved by the Governor, February 11, 1819.]

CHAP. LXV.

An Act in addition to an act, entitled "An act for the due regulation of Licensed Houses."

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That whenever the Selectmen of any town shall have posted up in their town, the names of any common drunkards, common tiplers, or common gamesters, or whenever they shall have forbid licensed persons from selling to any mispenders of their time and estate, any spirituous or strong liquors, agreeable to the directions of the act, passed on the twenty-eighth day of February, in the year of our Lord one thousand seven hundred and eighty-seven, entitled "An act for the due regulation of licensed houses," it shall not be lawful for any person to purchase or procure, for and in behalf of such prohibited person, or for his use, any spirituous or strong liquors: And if any person or persons shall purchase, procure or sell, or shall cause to be purchased, procured or sold, any spirituous or strong liquors to, or for the use of any such prohibited person, during the continuance of such prohibition, as aforesaid. he shall forfeit and pay the sum of ten dollars, to be recovered by complaint to any Justice of the Peace within the same county; one moiety thereof to the use of the complainant, and the other moiety to the use of the poor of the town.

Posting of
drunkards and
gamesters.

Penalties.

SEC. 2. *Be it further enacted*, That any taverner,

Fines.

innholder, victualler, or retailer, who shall suffer any minor, tipler, common drunkard, or gambler, to remain in his or her house, store, or any other apartment, or shall furnish them with strong liquors of any kind, and shall be thereof convicted, shall forfeit and pay a fine of ten dollars, for every such offence, to be recovered in form and manner as is provided in the act to which this is in addition; and shall also forfeit his or her license, not to be renewed again for three years; any law to the contrary notwithstanding.

[Approved by the Governor, February 12, 1819.]

CHAP. LXVI.

An Act to establish the Town of Atkinson.

Boundaries.

General powers.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Plantation, or Township, numbered Two, in the sixth range of Townships north of the Waldo Patent, in the County of Penobscot, as contained within the following bounds, with the inhabitants thereon, be, and hereby is incorporated and established as a town, by the name of Atkinson, viz. : North by a line drawn on the middle of the river Paskataquis; east by Township, numbered One, in the same range, (not incorporated;) south by the town of New Charlestown; west by the Township, numbered Three, (unincorporated,) in the same range : And the said town of Atkinson is hereby vested with all the corporate powers and privileges, and shall also be subject to all the duties and requisitions of other corporate towns, according to the constitution and laws of this Commonwealth.

Town meeting.

SEC. 2. *Be it further enacted*, That any Justice of the Peace for the County of Penobscot, is hereby empowered, upon application therefor, to issue a warrant, directed to a freehold inhabitant of the said town of Atkinson, to notify and warn the qualified freeholders therein, to meet at such convenient time

and place as shall be appointed in the said warrant, for the choice of such officers, as towns are by law empowered and required to choose at their annual town meetings.

[Approved by the Governor, February 12, 1819.]

CHAP. LXVII.

An Act to incorporate the Town of Knox.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Plantation, heretofore called Knox, in the County of Hancock, as contained within the following described boundaries, be, and hereby is established as a town, by the name* Boundaries. *of Knox; that is to say, bounded upon the north by the town of Thorndike; upon the east by the town of Brooks; upon the south by the town of Belmont; and upon the west by the County of Kennebeck. And the said town of Knox, is hereby vested with all the corporate powers and privileges, and shall also be subject to all the duties and requisitions of other corporate towns, according to the constitution and laws of this Commonwealth.* Corporate powers.

SEC. 2. *Be it further enacted, That any Justice of the Peace for the County of Hancock be, and he is hereby empowered, on application therefor, to issue a warrant, directed to a freehold inhabitant of said* First meeting, *town of Knox, requiring him to notify and warn the freeholders and other inhabitants thereof, to meet at such convenient time and place, as shall be appointed in the said warrant, for the choice of such officers as towns are by law empowered and required to choose at their annual town meetings.*

[Approved by the Governor, February 12, 1819.]

CHAP. LXVIII.

An Act to regulate the Fisheries in the town of Wal-
doborough.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That it shall be lawful for the town of Waldoborough, at their annual meeting for the choice of town officers, to choose five or more persons, being freeholders in said town, a committee to execute the provisions of this act; and each person, so chosen, shall be sworn to the faithful discharge of his duty. And the said committee, or a major part of them, are hereby empowered to open, and cause to be kept open, a passage or sluice way for the alewives, shad and salmon, and other fish, to pass up all the rivers and streams within said town, through any mill dam which now is or may hereafter be erected within said town, and to remove all other obstructions, found within said rivers and streams; and, to effect these purposes, the said committee shall have power, by themselves, or others by them employed, to enter upon any land within said town, without being trespassers; and the said sluice way shall be of sufficient depth and width for a passage for the said fish, and shall be kept open, from the first day of May to the first day of July, in each year: and a major part of said committee are hereby empowered to determine the times when, and the places where, and the manner in which the said fish may be taken; and shall notify the inhabitants thereof, by posting notifications in three public places in said town, seven days at least before the first day of May, in each year; and if any person or persons shall molest or hinder the said committee, or either of them, or others, by them employed, in executing his or their duty in said office, or in any way obstruct the said passage or sluice way, ordered and allowed by the said committee, or a majority of them, each and every person, so offending, shall, for each and every offence, forfeit and pay ten dollars, to be recovered by action

Officers to be
chosen.

Sluices to be
kept open.

Duties of Com-
mittee.

Penalties.

of debt, in the name of the said town, before any Court proper to try the same; and the monies so forfeited and paid, shall be, one half to the use of the town, to be paid to the Town Treasurer; and the other half to the use of the informant.

SEC. 2. *Be it further enacted*, That the said committee are hereby empowered to farm out the fisheries aforesaid, or sell the right of taking fish in any part, ^{May farm out fisheries.} or all of said rivers and streams, at public auction or at private sale, as they may judge most beneficial for the interest of the said town; and if any person catch or take any of the said fish, in any of the said rivers or waters connected therewith, without the permission, and against the rules established by the said committee, he, she or they shall forfeit and pay, on conviction, one dollar for each fish so taken, to be recovered and appropriated as is provided in the first section of this act.

SEC. 3. *Be it further enacted*, That any person or persons who has heretofore erected, or who shall hereafter erect, or cause to be erected, any mill dam across any of the waters aforesaid, and doth not make a sufficient and suitable provision for the passage of said fish, during the season as aforesaid, at his or their own proper expense and charge, he or they, so offending, shall forfeit and pay to the use of said town, a sum not ^{Fines.} less than forty dollars, nor more than two hundred dollars, to be recovered by action of debt, in the name of said town: *Provided, nevertheless*, the owner or owners of mills already built, shall have thirty days notice to open the said sluice, before the penalty aforesaid shall be incurred.

[Approved by the Governor, February 12, 1819.]

CHAP. LXIX.

An Act to incorporate the First Baptist Society in
Danvers.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Andrew Bachelder,

Persons incor-
porated.

Martin Bates, Michael Barry, Moses Black, James Carr, Benjamin Chaplin, Thomas Cheever, Caleb Clarke, Parker Cross, John Doak, George Ellis, Solomon Emerson, Israel Endicot, George Ervin, Levi Fish, Benjamin Foster, William Francis, Elijah Fuller, Timothy Fuller, Daniel Goodhue, Allen Gould, Andrew Gould, Daniel Hardy, Stephen Haynes, Israel Hutchinson, Aaron Jacobs, Ebenezer Jacobs, Henry Johnson, William Johnson, Hercules H. Josselyn, John Kenny, Benjamin Kent, Benjamin Kent, Junior, Joseph Kent, John Kent, Robert Lefavor, Nathaniel Mayhew, Samuel M'Intire, Jonathan M'Intire, John Mitchell, William Morris, Amos Osborn, Jeremiah Page, John Page, Benjamin Perry, Allen Peabody, Samuel Pindel, John Porter, Jonathan Procter, Amos Putnam, Allen Putnam, Andrew Putnam, Jeremiah Putnam, John Putnam, Thomas Putnam, Parker Richardson, Briggs D. Reed, William Shillaber, Samuel Slater, Ephraim Smith, Joseph Stearns, Seth Stetson, Timothy Stevens, Asa Stickney, Thomas Symonds, William Trask, Daniel Upham, Benjamin Webb, Nathaniel Webb, Nathaniel Webb, Junior, Samuel Whipple, Stephen Whipple, Amaziah Whitney, Noah Whittier, and Moses W. Wilson, all of Danvers, together with such others, being inhabitants of Danvers, as may hereafter associate with them, and their successors, for the purpose of religious worship only, be, and they are hereby incorporated, as a religious society, by the name of the First Baptist Society in Danvers, with all the powers, privileges, and immunities, to which other religious societies are entitled by the constitution and laws of this Commonwealth; and the polls and estates of all persons who are members of said society, shall be taxable therein, for all parochial purposes.

General pow-
ers.

Membership.

SEC. 2. *Be it further enacted*, That any person living in the town of Danvers, who may be desirous of becoming a member of said Baptist Society, and shall declare such intention in writing to the Clerk of the religious society to which he or she belongs, fifteen days before the annual meeting in the month of March or April. and shall produce a certificate from the Clerk of the said Baptist Society, that he or she

has united with them in religious worship, such person shall be considered, with his or her polls and estate, as a member of said Baptist Society.

SEC. 3. *Be it further enacted*, That when any member of said Baptist Society shall be desirous of becoming a member of any other religious society in the said town of Danvers, and shall declare such intention in writing, given to the Clerk of said Baptist Society, fifteen days before the annual meeting in the month of March or April, and shall also produce a certificate from the Clerk of the society, to which he or she wishes to be annexed, that he or she has united with them in religious worship, such person shall be considered, with his or her polls and estate, as a member of such other society : *Provided*, however, that all persons shall be holden to pay their proportion of all sums of money, lawfully granted by either of the societies in said town of Danvers, while such person continued a member of the same. Conditions of secession.
Proviso.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the County of Essex, upon application therefor, is hereby empowered to issue a warrant, directed to a member of the said Baptist Society in Danvers, requiring him to notify and warn the members thereof, to meet at such convenient time and place, as shall be appointed in said warrant, for the election of such officers, as parishes are by law required to choose at their annual parish meetings, and to do such other parochial business as may be expressed in said warrant. First meeting.

[Approved by the Governor, February 12, 1819.]

CHAP. LXX.

An Act to set off Caleb Faxon, with his family and estate, from the town of Dorchester, and annex them to the town of Quincy.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Caleb Faxon, with

his family, polls and estate, be, and they hereby are set off from the town of Dorchester, and annexed to the town of Quincy, in the County of Norfolk; and the said Caleb Faxon shall hereafter be considered an inhabitant of the town of Quincy, and shall there exercise and enjoy all the rights and privileges, and shall also be subject to the like duties and requisitions as the other inhabitants of said town: *Provided*, that the said Caleb Faxon shall be holden to pay all taxes legally assessed on him by the town of Dorchester, prior to the passing of this act.

[Approved by the Governor, February 12, 1819.]

CHAP. LXXI.

An Act to incorporate the President, Directors and Company of the Commercial Bank.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Benjamin Pickman, Junior, Benjamin W. Crowninshield, Nathaniel West, Joseph Story, Thomas Saunders, Jonathan Neal, Nathaniel Bowditch, George Cleveland, Willard Peele, Pickering Dodge, Charles Saunders, William Fettyplace, Gideon Barstow, Stephen White, Nathaniel West, Junior, Nathan Robinson, and their associates, successors, and assigns, shall be, and are hereby created a corporation, by the name of the President, Directors and Company of the Commercial Bank; and shall so continue, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act, entitled "An act to incorporate the President, Directors and Company of the Merchants' Bank, in Salem," except in so far as

Persons incor-
porated.

Rules.

the same are modified or altered, by this act, as fully and effectually, as if the several sections of said act were herein specially recited and enacted.

SEC. 2. *Be it further enacted,* That the capital stock of the said corporation shall consist of the sum of three hundred thousand dollars, in gold and silver, divided into shares of one hundred dollars each, which shall be paid in at three equal instalments; the first on or before the fifteenth day of April next; the second instalment on or before the fifteenth day of September next; and the remaining instalment, on or before the first day of February next; and that no dividend shall be made or declared on the capital stock of said bank, until the whole of said capital stock shall have been paid in, conformably to the provisions of this act. And the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of the said stock, and the profits thereof; which being entered in the books of the said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine. And the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, tenements and hereditaments, to the amount of twenty thousand dollars, and no more, at any one time; with power to bargain, sell, and dispose of the same; and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think advisable: *Provided, however,* that nothing herein contained, shall restrain or prevent said corporation from taking and holding real estate, on mortgage, or on execution, to any amount, as security for, or in payment of any debts due to the said corporation: *And provided, further,* that no money shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed, and actually paid in, and existing in gold and silver, in the vaults, shall amount to seventy-five thousand dollars.

Capital Stock.

Dividends.

Disposition of Stock.

May hold real estate.

Provisos.

SEC. 3. *Be it further enacted,* That the said bank shall be established and kept in the town of Salem.

Location.

Loans to State. **SEC. 4.** *Be it further enacted,* That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money which may be required, not exceeding ten per centum of the capital stock, then actually paid in, at any one time, reimburseable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum: *Provided, however,* that the Commonwealth shall never stand indebted to such corporation, without their consent, for a larger sum than twenty per centum of their capital, then paid in.

Proviso.

Meeting for choice of officers. **SEC. 5.** *Be it further enacted,* That Pickering Dodge, Willard Peele, and William Fettyplace, or any two of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in the two newspapers printed in the town of Salem, for the purpose of making, ordaining, and establishing such by-laws and regulations, for the orderly conducting of the affairs of said corporation, as the stockholders shall deem necessary, and the choice of the first Board of Directors, and such other officers as they shall see fit to choose.

Commonwealth's stock. **SEC. 6.** *Be it further enacted,* That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor, by law, to subscribe, on account of the Commonwealth, a sum not exceeding one half part of the capital stock, actually paid in, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be by the Legislature made and established.

[Approved by the Governor, February 12, 1819.]

CHAP. LXXII.

An Act to incorporate the First Congregational Parish in the town of Limington.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Isaac Mitchell, Henry Small, James McArthur, David Otis, Edward Small, Robert Libby, Samuel Larabee, Junior, Ar-* Persons incor-
thur McArthur, Benjamin Clarke, Abner Libby, porated.
William Thompson, Francis Small, Humphrey Small, Joshua Small, Isaac Small, Jonathan Boothby, Parmenio Libby, Nathaniel Clarke, Junior, Daniel Small, William Small, Harvey Libby, Benjamin Blake. Simon Plaisted, Benjamin Tyler, Samuel Larabee, Jonathan Atkinson, Silas Meserve, Nathaniel Meserve, John Libby, Philemon Libby, Edward Clarke, Joshua Brackett, Ephraim Clarke, and Seth Blake,
 with their families and estates, together with such others as may hereafter associate with them, and their successors, be, and they hereby are incorporated into a society, by the name of the First Congregational Parish in the town of Limington; with all the powers, privileges, rights and immunities, to which parishes or societies are entitled, by the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted, That any person in said town of Limington, or in any of the adjoining towns, who may hereafter desire to become a member of said Congregational Society, and give in his or her name to the Clerk of the town or parish, to which he or she may belong, with a certificate signed by the Minister or Clerk of said Congregational Society, that he or she hath actually become a member of, and united in religious worship with said Congregational Society, fourteen days previously to the town or parish meeting, to be held in the month of March or April, annually, shall, from and after the date of such certificate, with his or her polls and estates, be considered as a member of said Congregational Society:* Membership.

Proviso.

Provided, however, that all such persons shall be held to pay his or her proportion of all monies voted or assessed in the town or parish, to which he or she belonged, previously to that time.

Conditions of
secession.

SEC. 3. *Be it further enacted,* That whenever any member of said Congregational Society, shall see cause to leave the same, and unite with any other religious society in the town or parish, in which he or she may reside, and shall give in his or her name to the Clerk of said Congregational Society, with a certificate signed by the Minister or Clerk of the parish or society with which he or she may unite, that he or she hath actually become a member of, and united in religious worship with such other society, fourteen days previously to their annual meeting in March or April, and shall pay his or her proportion of all monies voted or assessed in said Congregational Society, previously thereto, shall, from and after giving such certificate, with his or her polls and estates, be considered as a member of such other parish or society, to which he or she may so unite.

First meeting.

SEC. 4. *Be it further enacted,* That any Justice of the Peace in the County of York, upon application therefor, is hereby authorized to issue a warrant, directed to some suitable member of said Congregational Society, requiring him to notify and warn the members thereof, to meet at such time and place as shall be appointed in said warrant, to choose all such officers, and transact all such business as parishes are by law entitled to choose and transact, in the month of March or April, annually.

[Approved by the Governor, February 13, 1819.]

CHAP. LXXIII.

An Act in addition to an act, entitled "An act for establishing a Corporation, by the name of the Eighth Massachusetts Turnpike Corporation."

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the proprietors of the Eighth Massachusetts Turnpike Corporation, shall, from and after the passing of this act, have leave to discontinue all that part of said road, from the place where the Becket Turnpike unites with said Eighth Massachusetts Turnpike, near the dwelling house of Daniel Sherman, in Becket, in the County of Berkshire, to the line of the town of Pittsfield, in said county. Privilege.

SEC. 2. *Be it further enacted,* That the said corporation be, and they hereby are authorized to alter the course and direction of their road, from the foot of Becket Mountain, beginning on the flat, near the west branch of Westfield River, about half a mile west of the dwelling house of Uriah Ferry; thence running upon or near said river, so far west as the east line of the Becket Turnpike; and may purchase and hold land, over which they may make the same. Alteration of road. And the Circuit Court of Common Pleas, in the county where the road is, are hereby authorized, upon application of said corporation, to lay out the same road, in the manner provided in the act to which this is in addition. And unless said corporation shall, within two years from the passing of this act, appropriate, lay out, and expend the sum of two thousand dollars, towards the locating, building, and making the said last mentioned road, they shall, from that time, be entitled to receive at their middle gate, so called, only one half of the amount of toll which they are now authorized to take at said gate.

SEC. 3. *Be it further enacted,* That the Circuit Court of Common Pleas, in either of the Counties of Hampden or Berkshire, are hereby authorized to ap-

Road discontinued.

point a committee, to lay out the whole of said road, lying partly in each of the said Counties of Hampden and Berkshire : And when said road shall be made and completed, to the acceptance of the Court, who may appoint said locating committee, that part of the old turnpike road, lying between the dwelling house of said Daniel Sherman and the foot of Becket Mountain, shall be discontinued.

[Approved by the Governor, February 13, 1819.]

CHAP. LXXIV.

An Act to incorporate the President, Directors, and Company of the Bank of Portland.

Persons incorporated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Arthur M'Lellan, James Deering, John Mussey, Isaac Adams, Barrett Potter, Joshua Richardson, Henry Smith, Levi Cutter, Robert Ilsley, and Richard Cobb, their associates, successors, and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the Bank of Portland ; and shall so continue from the first day of March next, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one : And the said corporation shall always be subject to the rules, restrictions, limitations, taxes, and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act, entitled "An act to incorporate the President, Directors and Company of the State Bank," except in so far as the same are modified or altered by this act, as fully and effectually, as if the several sections of said act were herein specially recited and enacted.

Privileges and restrictions.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation, shall consist of the sum of two hundred thousand dollars, in gold and silver, to

be, besides such part as this Commonwealth may subscribe, in manner hereafter mentioned, divided into shares of one hundred dollars each, which shall be paid in three equal instalments; the first, on or before the fifteenth day of April next; the second, on or before the fifteenth day of September next; and the remaining instalment, on or before the first day of February next; and that no dividend shall be declared on the capital stock of said bank, until the whole of said capital stock shall have been paid in, conformably to the provisions of this act: And the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof; which being entered in the books of said corporation, shall be binding on the stockholders, their successors, and assigns, until they shall otherwise determine. And the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain to them, their successors, and assigns, lands, rents, tenements, and hereditaments, to the amount of twenty thousand dollars, and no more, at any one time; with power to bargain, sell, dispose, and convey the same by deed, under the seal of said corporation, and signed by the President, or two of the Directors; and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think advisable: *Provided, however,* that nothing herein contained, shall restrain or prevent said corporation from taking and holding real estate in mortgage, or on execution, to any amount, as security for, or in payment of any debts due to the said corporation: *And, provided further,* that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed, and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars.

SEC. 3. *Be it further enacted,* That the said bank shall be established and kept in the town of Portland.

SEC. 4. *Be it further enacted,* That not more than three fourths of the Directors elected, who shall be in office at the time of an annual election, exclusive of

Capital Stock.

May hold real estate.

Provide.

Specie in Bank.

Location.

Time which
officers may
serve.

the President, shall be elected for the next succeeding year; and no Director shall hold his office more than three years out of four in succession, except the Director that is President at the time of an annual election, who may be reelected.

SEC. 5. *Be it further enacted*, That any Director of the Portland Bank, may be eligible as a Director of the bank hereby incorporated.

Loans to State.

Proviso.

SEC. 6. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth, any sum of money which may be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter period, at the election of the Commonwealth; with the annual payment of interest, at a rate not exceeding five per centum per annum: *Provided, however*, that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital actually paid in.

Meeting for
choice of officers.

SEC. 7. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit, by advertising the same for one week in the Portland Gazette and Eastern Argus, for the purpose of making, ordaining, and establishing such by-laws, ordinances, and regulations as the said stockholders shall deem necessary, and for the choice of the first Board of Directors, and such other officers as they shall see fit to choose.

State rights.

SEC. 8. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe, on account of the Commonwealth, a sum, not exceeding one half of the capital stock actually paid in, to be added to the capital stock of said corporation, subject to such rules, regulations, and provisions, as to the management thereof, as shall, by the Legislature, be made and established.

SEC. 9. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of

said corporation, in manner herein before provided for, in addition to the Directors, by law, to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of Directors of said bank, in proportion as the sum paid from the treasury of the Commonwealth, shall bear to the whole amount of stock actually paid into said bank; if at any time hereafter, they shall see fit to exercise that right.

[Approved by the Governor, February 13, 1819.]

CHAP. LXXV.

An Act to incorporate the Town of Thorndike.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the plantation heretofore called Lincoln, in the County of Hancock, as contained in the following described boundaries, be, and hereby is established as a town, by the name of Thorndike; that is to say: Beginning at the south west corner of said plantation, at a stake and stones; thence running north, twenty-five degrees east, about one mile, to a birch tree; thence north, seven degrees east, four miles and one hundred and forty-three rods, to a cedar stake; thence north, eighty-seven degrees east, four miles and thirty rods, to a beach tree; thence south, three degrees east, five miles and forty-one rods, to a stake and stones; thence south, eighty-seven degrees west, five miles and thirty-five rods, to the place of beginning. And the said town of Thorndike is hereby vested with all the corporate powers and privileges, and shall also be subject to all the duties and requisitions of other corporate towns, according to the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That any Justice of the Peace for the County of Hancock, be, and he is hereby empowered, upon application therefor, to issue a warrant, directed to a freehold inhabitant of the said

First meeting.

town of Thorndike, requiring him to notify and warn the freeholders and other inhabitants of said town, to meet at such convenient time and place, as shall be appointed in said warrant, for the choice of such officers, as towns are by law empowered and required to choose at their annual town meetings.

[Approved by the Governor, February 15, 1819.]

CHAP. LXXVI.

An Act to incorporate the Proprietors of Merchants' Hall, in Boston.

Persons incor-
porated.

General pow-
ers.

May hold real
estate.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Thomas K. Jones, William Debon, and Thomas Brewer, all of Boston, and their associates, successors and assigns, be, and they hereby are constituted a body politic and corporate, by the name of the Proprietors of Merchants' Hall; and the said corporation, by the same name, are hereby declared and made capable in law, to sue and be sued, plead and be impleaded; to have a common seal, and the same to alter and renew at pleasure; to make rules and by-laws for the regulation and management of the estate herein after described, consistent with the laws of the Commonwealth; and generally to do and execute whatever, by law, doth or may appertain to bodies politic and corporate, within the meaning and intent of this act.*

SEC. 2. *Be it further enacted, That the said corporation be, and the same hereby is declared and made capable to have, hold and possess, all that certain real estate, situate in said Boston, bounded and described as follows, viz.: Westwardly on Congress Street, there measuring thirty-three feet six inches; northwardly on a lane or passage way, there measuring one hundred and twenty feet; eastwardly on land of William Phillips, Esquire, there measuring thirty-four*

feet seven inches ; and southwardly on Water Street, there measuring one hundred and twenty-five feet six inches ; or however otherwise bounded, together with all the rights, privileges and appurtenances thereof ; *provided*, the lawful proprietors thereof shall legally convey the same to the said corporation. And the said corporation shall have power to sell, grant and alien in fee simple, or otherwise, their corporate property, or any part thereof, within the said described limits, and to lease, manage and improve, build, rebuild or alter the same, according to the will and pleasure of said corporation, expressed at any legal meeting by the said associates, or their assigns, or the major part of them.

SEC. 3. *Be it further enacted*, That the said corporate property shall be divided into shares, not exceeding five hundred in number, as the said corporation may find to be most expedient ; and the said shares shall be divided among the several proprietors, according to the interest and portions which they may respectively have in said corporate property ; and certificates of such shares shall be signed by the President of the corporation, and issued to the proprietors accordingly, and shall be transferable by assignment on the back thereof ; and the property in the same shall vest in the assignee or vendee thereof, when a record of such assignment shall be made by the Clerk of the corporation ; whereupon new certificates shall issue accordingly ; and the shares in said corporation shall, in all respects, and at all times, be held and considered as personal estate.

SEC. 4. *Be it further enacted*, That the said corporation shall have power, from time to time, to assess such sums of money, as at any legal meeting, held and notified for that purpose, may be deemed necessary, for building, rebuilding and repairing, or altering any buildings whatever, on the land within the said described limits, or for the improvement or management of the corporate estate, agreeably to the true intent of this act. And in case any proprietor shall neglect or refuse to pay any assessment so laid, the said corporation may cause such of the shares of such proprietors, as may be sufficient therefor, to be sold at public

auction, after ten days notice in a public newspaper, printed in Boston, to the highest bidder; and after deducting the amount assessed and unpaid, together with the charges of sale and advertisement, the surplus, if any, shall be paid over to such proprietors; and the purchaser of such share or shares shall be entitled to receive a certificate of the share or shares, by him purchased accordingly.

Liability.

SEC. 5. *Be it further enacted*, That the real estate of said corporation shall be liable for the debts of the corporation, and to attachment and execution, on any judgment against said corporation; and said corporation shall possess the right in equity of redeeming the same, appertaining by the laws of the Commonwealth to other real estate.

First meeting.

SEC. 6. *Be it further enacted*, That said Thomas K. Jones, William Dehon, and Thomas Brewer, or either of them, may call a meeting of said corporation, by advertisement in a public newspaper printed in Boston, ten days at least before the time of meeting; and the said corporation may, at such, or any other meeting, agree on the mode of calling future meetings, and shall elect a President and Clerk, and all such other officers as they may deem necessary for conducting their corporate affairs and estate; and the same may change and remove, as the corporation shall think fit.

Officers to be chosen.

[Approved by the Governor, February 15, 1819.]

CHAP. LXXVII.

An Act to incorporate the Newburyport Howard Benevolent Society.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Thomas M. Clark, John Pearson, Henry Merritt, Richard Bartlett, and Samuel Tenny, together with such others as are, or

may hereafter be associated with them, be, and they hereby are incorporated into a society, by the name of the Newburyport Howard Benevolent Society; and by that name, shall be a corporation forever; with power to have a common seal; to make contracts relative to the objects of their institution; to sue and be sued; to establish by-laws and orders for the regulation of the society, and the preservation and application of the funds thereof; to take, hold, and possess any estate, real or personal, by subscription, gift, grant, purchase, or otherwise; and the same to lease or otherwise improve, and sell and convey, for the sole benefit of said institution; *provided*, that the said by-laws be not repugnant to the constitution and laws of this Commonwealth; and that the value of the said estate shall not exceed ten thousand dollars; and that the funds of said society shall always be improved and appropriated to the humane purposes of relieving the distresses of the poor, the sick, and the aged.

General powers.

Proviso.

SEC. 2. *Be it further enacted*, That the time and place of the first meeting of said society, may be appointed by Thomas M. Clark, by his giving notice thereof, in the Newburyport Herald, printed in Newburyport; and at such meeting, the said society may agree upon their mode of calling future meetings, and establish by-laws to regulate said society.

First meeting.

[Approved by the Governor, February 15, 1819.]

CHAP. LXXVIII.

An Act to establish the Portland Marine and Fire Insurance Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That James Neal, Albert Newhall, Asa Clap, Matthew Cobb, Reuben Morton, and Daniel Fox, with their associates, successors and

Persons incorporated.

General powers.

assigns, be, and they are hereby incorporated into a company and body politic, by the name of the Portland Marine and Fire Insurance Company, with the powers and privileges usually granted to other insurance companies, and subject to all the duties, obligations and restrictions, contained in a law of this Commonwealth, entitled "An act to define the powers, duties and restrictions of Insurance Companies," passed the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen; also with power and authority to make insurance on any dwelling or other building, and on the goods and property therein contained, within this Commonwealth, against amage arising to the same by fire; and to fix the premium and terms of payment, for and during the term of twenty years after the passing of this act; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and have a common seal, which they may alter at pleasure, and may purchase, hold and convey any estate, real or personal, for the use of said company: *Provided*, that they shall not hold real estate exceeding the value of five thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said company.

May sue and be sued.

Proviso.

Capital Stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company, exclusive of premium notes and profits arising from business, shall not be less than one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, ten per centum of which shall be paid in money, by each and every subscriber, on the amount of his subscription, within ten days after public notice given by the President and Directors, chosen by the stockholders, in both of the newspapers printed in the town of Portland, and fifty dollars on each share, on or before the first Tuesday of October next, and the residue of said stock on or before the first Tuesday of October, in the year one thousand eight hundred and twenty-one, in such sum or sums, and at such intermediate time or times, and under such penalties as the President and Directors shall, in their discretion, direct and appoint.

Penalties.

SEC. 3. *Be it further enacted*, That the stock, pro-

perty, affairs and concerns of said company, shall be managed by seven Directors, one of whom shall be President thereof, who shall hold their offices for one Managers. year, and until others are chosen, and no longer; and who shall, at the times of their election, be stockholders and citizens of this Commonwealth, and shall be elected on the first Tuesday in April in each and every year, at such time of the day, and in such place Annual election of Directors. in the town of Portland, as a majority of the Directors for the time being shall appoint; of which election, public notice shall be given, in at least one of the newspapers printed in the town of Portland, fourteen days at least immediately preceding: and this election shall be held under the inspection of three stockholders, not being Directors; and the election shall be made by ballot, by a majority of the stockholders present, allowing one vote to each share; *provided*, that Provido. no stockholder shall be entitled to more than ten votes; and absent stockholders may vote by proxy, under such restrictions as the company may prescribe.

SEC. 4. *Be it further enacted*, That the Directors, when chosen, shall meet as soon as may be after every election, and shall choose out of their body, one person to be President, who shall be sworn faithfully to discharge the duties of his office, and shall preside for one year; and in case of the death, resignation or inability to serve, of the President or any Directors, such vacancy or vacancies shall be filled, for the remainder of the year in which they happen, by a special election for that purpose, to be held in the same Special elections. manner as herein before directed, respecting annual elections of Directors: *Provided*, that no person, being a Director of any other company, carrying on the business of insurance, shall be eligible as a Director of the company, by this act established.

SEC. 5. *Be it further enacted*, That the President and three of the Directors, or four of the Directors, in the absence of the President, shall be a board competent for the transaction of business; and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such Rules and regulations. by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and dis-

Proviso.

position of the stock, property, estate and effects of said company, and the transfer of shares, and touching the duties and conduct of the several Officers, Clerks and Servants employed, and the election of Directors, and all such matters as appertain to the business of insurance ; and shall also have power to appoint a Secretary, and so many Clerks and Servants, for carrying on the said business, and with such salaries and allowances to them and the President, as to the said Board shall seem meet ; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

Property of
Members may
be attached.

SEC. 6. *Be it further enacted*, That the property of any member of the said company, vested in the stock of said company, shall be liable to attachment, and to the payment and satisfaction of his just debts, to any of his bona fide creditors, in manner following, viz. : in addition to the summons, by law prescribed to be left with the defendant, a like summons shall be left with the Secretary of said company ; and the debtor's share or shares in said company's funds, together with the interest and profits due, or growing due thereon, or so much thereof as shall be sufficient, shall thereby be held to respond said suit according to law ; and all transfers of the debtor's shares, not noted in the books of the company previous to the delivery of such summons, shall be barred thereby, and execution may be levied upon the property of any stockholder in said company, and his share or shares therein, exposed to sale, in the same manner as is by law prescribed, where personal estate is taken in execution ; and it shall be the duty of the officer who extends such execution, to leave an attested copy thereof, with his doings thereon, with the Secretary of the said company ; and the purchaser shall thereupon be entitled to the reception of all dividends and stocks to which the debtor was previously entitled ; and upon any attachment being made, or execution levied, on any shares in said company, it shall be the duty of the Secretary of said company to expose the books of the company to the officer, and furnish him with a certificate under his hand, in his official capacity, ascertaining the num-

ber of shares the debtor holds in said company, and the amount of the dividends due thereon.

SEC. 7. *Be it further enacted*, That the President and Directors of the said company shall, previous to their subscribing to any policy of insurance, against damage arising from fire, and once in every year after, publish in one or more of the newspapers printed in the town of Portland, what risks they mean to insure against, and the largest sum they mean to take on any one risk : *Provided, nevertheless*, that the said President and Directors shall not be allowed to insure on any one risk against damage by fire, a larger sum than seven per centum of the amount of the capital stock of said corporation actually paid in. Insurance.
Proviso.

SEC. 8. *Be it further enacted*, That any three of the persons herein named, be, and they are hereby empowered to call a meeting of the members of said company as soon as may be, in Portland, by advertising the same fourteen days in both the newspapers printed in said town, for the purpose of electing the first Board of Directors, who shall continue in office until the first Tuesday in April, one thousand eight hundred and nineteen. First meeting.

[Approved by the Governor, February 15, 1819.]

CHAP. LXXIX.

An Act to establish the Town of Newburgh.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Township or Plantation, Numbered Two, in the first range of townships, north of the Waldo Patent, as contained within the following described boundaries, be, and hereby is established as a town, by the name of Newburgh, viz. : beginning at the south-east corner of the town of Carmel ; thence running west, by the south-erly line of said Carmel, to the town of Dixmont ; Boundaries.

Corporate powers.

thence south, by the westerly line of said Dixmont, to the north line of the Waldo Patent; thence easterly, by said patent line, to the south-west corner of Hampden; thence northerly, by the west line of Hampden, to the place of beginning. And the said town of Newburgh is hereby vested with all the corporate powers and privileges, and shall also be subject to all duties and requisitions of other corporate towns, according to the constitution and laws of this Commonwealth.

First meeting.

SEC. 2. *Be it further enacted*, That any Justice of the Peace for the County of Penobscot, be, and he is hereby empowered to issue a warrant, directed to a freehold inhabitant of the said town of Newburgh, requiring him to notify and warn the inhabitants thereof, to meet at such convenient time and place, as shall be appointed in said warrant, for the choice of such town officers, as towns are by law required to choose and appoint, at their annual town meetings.

[Approved by the Governor, February 15, 1819.]

CHAP. LXXX.

An Act to incorporate the East Parish in Randolph.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Bailey White, Samuel Curtis, Isaac White, Isaac Whitcomb, Asa Belcher, 2d, Isaac Thayer, 2d, Samuel Newcomb, Asa Porter, Nathan Pendergrass, Nathaniel Belcher, Thomas Belcher, Junior, Samuel Pendergrass, Ariel Paine, Daniel Faxon, Asa Reed, Shubael Clark, Nathan Johnson, Ephraim Whitcomb, Rodolphus Porter, Jonathan White, Robert Thayer, John Thayer, Nathaniel Hunt, 2d, Silas Paine, Junior, John Porter, Robert Pratt, Junior, Nathaniel Belcher, Junior, Elisha Belcher, Jonathan Hunt, Abner W. Paine, Simeon Whitcomb, Joseph White, William Linfield, William Madden, Richard Belcher, Junior, David

White, Elijah Porter, Davis Thayer, Joseph Thayer, Richard Belcher, Timothy Thayer, Elisha Thayer, Asa Belcher, Thomas Belcher, Benjamin Pratt, Silas Paine, Benjamin Paine, Junior, Cornelius White, Jacob Clark, John Adams, Jedediah French, Joseph Belcher, Junior, Caleb White, Ebenezer Thayer, Jeremiah Belcher, Ephraim Lincoln, Enoch Penniman, Zenas Thayer, Nathaniel Paine, Levi Thayer, David Whitcomb, Simeon White, Thaddeus French, and Sylvanus French, with their polls and estates, together with such persons as may hereafter associate with them, within the town of Randolph, as herein after provided, be, and they are hereby incorporated, and made a body politic and religious society, by the name of the East Parish, in Randolph; and by that name may sue and be sued; and the said corporation is hereby invested with all the powers and immunities, to which other religious societies are entitled by the constitution and laws of this Commonwealth, for religious purposes only; and the said corporation is hereby authorized and empowered to take, purchase, and hold all real and personal estate, necessary and convenient to said corporation, as such religious society.

May sue and
be sued.

May hold real
and personal
estate.

SEC. 2. *Be it further enacted,* That all persons who dwell within the town of Randolph, and within one mile of the meeting house, now erected in said East Parish, may become a member of said religious society, on or before the first day of December, in the year of our Lord one thousand eight hundred and nineteen, on applying to the Clerk of said society, and depositing with that officer a written declaration of intention to become such members, and delivering to the Clerk of the parish or society, in the westwardly part of Randolph, a certified copy of such declaration.

Conditions of
joining Society.

SEC. 3. *Be it further enacted,* That all persons who shall remove into the town of Randolph, and dwell within one mile of the East Parish meeting house, may, within six months after having so removed into said town, become members of said religious society, hereby incorporated, on depositing with the Clerk of said society, a written declaration of their assent to become such members.

Right of be-
coming mem-
bers.

Dissenters.

SEC. 4. *Be it further enacted*, That all the male inhabitants in the town of Randolph, who may hereafter attain to the age of twenty-two years, and who shall actually dwell and have their homes within one mile of said East Parish meeting house, shall be deemed to be, and considered as members of said religious society, unless such male inhabitant shall have deposited with the Clerk of said society, a declaration in writing, of dissent to being deemed and considered such members.

Taxes to be paid.

SEC. 5. *Be it further enacted*, That the inhabitants of said East Parish shall be holden to pay their proportion of all taxes, which have been already assessed by the town of Randolph, for parochial purposes.

[Approved by the Governor, February 15, 1819.]

CHAP. LXXXI.

An Act in addition to the several acts for regulating the Fishery, in Seven Mile Brook, in the town of Vassalborough, in the County of Kennebec.

Privileges may be sold.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, the inhabitants of the town of Vassalborough, at their annual meeting in March or April, shall have a right to sell and dispose of the privilege of taking alewives in the stream called Seven Mile Brook, in said town, for any number of years, and in such way and manner as they may judge best, and at such price or prices, as may be agreed upon : subject however, in all other respects, to the existing laws, for regulating the said fishery, in the said Seven Mile Brook.

[Approved by the Governor, February 15, 1819.]

CHAP. LXXXII.

An Act discharging the Union Turnpike Corporation from their liability to maintain part of said road.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this act, the Union Turnpike Corporation be, and they hereby are forever discharged from their liability to repair and maintain all that part of the said turnpike road, laying eastwardly of its intersection with the county road, leading from Groton to Concord, in the County of Middlesex; any thing in their act of incorporation to the contrary notwithstanding.

[Approved by the Governor, February 15, 1819.]

CHAP. LXXXIII.

An Act to repeal all laws heretofore made, for regulating the Alewife Fishery, in the towns of Bridgewater and Halifax, in the County of Plymouth.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all the laws heretofore made, for regulating the alewife fishery, in the towns of Bridgewater and Halifax, in the County of Plymouth, or either of them, or that require any passage way for said fish, at any mill dam in said towns, or either of them, excepting Pratt's Dam, so called, in Titicut, be, and the same are hereby repealed, so far as they respect either of said towns.

[Approved by the Governor, February 15, 1819.]

CHAP. LXXXIV.

An Act authorizing the Proprietors of the Upper Locks and Canals on Connecticut River, to reduce the width of the same.

Reduction of
Locks.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Proprietors of the Upper Locks and Canals on Connecticut River be, and they are hereby authorized to support and maintain locks on said canal, of the width of fifteen feet, instead of twenty feet, as required by the act of incorporation.

Tolls.

SEC. 2. *Be it further enacted*, That in estimating the toll on shingles, passing said locks and canals, six thousand of shingles shall be deemed and taken to be equivalent to one thousand of boards, and the same toll received therefor.

[Approved by the Governor, February 15, 1819.]

CHAP. LXXXV.

An Act to incorporate the Second Parish of Ipswich into a town, by the name of Essex.

New town of
Essex.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all that part of the town of Ipswich, in the County of Essex, called the Second Parish, and lying within the boundaries hereinafter mentioned, together with the inhabitants thereof, be, and the same hereby is incorporated into a town, by the name of Essex, and invested with all the powers, privileges and immunities, and subject to all the duties and requisitions to which towns in this Commonwealth are by law entitled or subjected; the said

town of Essex being bounded and described as follows,
to wit : Beginning at the north-westerly corner of Boundaries.
William Coggswell's land, at a small stone bridge in
the road at the head of Choate's Brook, so called ;
thence running south-westerly on the boundary of
said Second Parish, to Hamilton line ; thence run-
ning on different courses easterly and southerly,
by said Hamilton line till it comes to Manchester line ;
thence running easterly by said Manchester line,
to a heap of stones on Gloucester line ; thence by said
Gloucester line to the sea ; then beginning again at
the bound first mentioned, and running down said
brook to the creek, so called ; thence continuing down
said creek to the river ; thence down the channel of
said river on the north side of Hog Island to the sea.

SEC. 2. *Be it further enacted,* That the said town
of Ipswich shall have, hold and enjoy, to their own
use and benefit forever, the court house, situate in said
town ; the powder house, with the military stores
therein ; the grammar school house, with the lands, Reservations.
hereditaments, rents and profits heretofore received
and belonging to the said grammar school ; and also
the farm, with the buildings, stock and utensils, and
all other personal property thereon and thereto belong-
ing, lately purchased by said town of Ipswich, for a
public poor house.

SEC. 3. *Be it further enacted,* That the said town
of Essex shall pay to the Treasurer of the said town
of Ipswich, within the term of six months, their pro-
portion of the debts due by and from the said town of
Ipswich, and outstanding at the passing of this act, in Debts to be paid.
the proportion of thirty-one cents per dollar on the
whole amount thereof, which amount shall be ascer-
tained by a committee of three persons from each of
the said towns ; and in case of their disagreement, then
to be ascertained by three referees to be appointed by
the Circuit Court of Common Pleas for said County
of Essex ; and the said town of Ipswich shall pay to
or set off with the said town of Essex, the sum of
twenty-two hundred and seventy dollars.

SEC. 4. *Be it further enacted,* That the said towns
of Ipswich and Essex, shall respectively support and
maintain all such persons as now are, or hereafter may

Support of
paupers.

be inhabitants of the said towns respectively, or who were born in, or have a derivative settlement through any person born in, or deriving a settlement from any ancestor, and are or may become chargeable as paupers, according to the laws of this Commonwealth, and who have not gained a settlement elsewhere.

Taxes provid-
ed for.

SEC. 5. *Be it further enacted,* That all taxes assessed, and not collected at the time of the passing of this act, shall be collected in the same manner, and paid to the Treasurer of the town of Ipswich, as if the separation of the said towns had not taken place.

Compromise.

SEC. 6. *Be it further enacted,* That the agreement between the said town of Ipswich, and the said Second Parish, made on the twenty-first day of December, in the year of our Lord one thousand seven hundred and fifteen, be, and remain as before the separation, and unaffected hereby in any respect whatever.

First meeting.

SEC. 7. *Be it further enacted,* That any Justice of the Peace for the said County of Essex, is hereby authorized to issue his warrant, directed to any freeholder in the said town of Essex, requiring him to warn the inhabitants thereof, to meet at such time and place as may be appointed in said warrant, for the choice of all such town officers as towns are by law required to choose at their annual meetings.

[Approved by the Governor, February 15, 1819.]

CHAP. LXXXVI.

An Act to incorporate the Second Congregational Society in the First Parish in Springfield.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Jonathan Dwight, Bezaleel Howard, Samuel Orne, James S. Dwight, Jonathan Dwight, Junior, Joshua Frost, Daniel Lombard, Festus Stebbins, James Wells, Robert Emery,

Benjamin Day, John Howard, Eldad Stebbins, Samuel Benton, Daniel M. Leonard, Ira Mede, Austin Peck, Henry Benjamin, Joseph M. Sanborn, Samuel Kingsbury, Samuel Lyman, Charles Rice, Judah Ely, Ezra Osborn, Junior, Simon Sanborn, Daniel Pease, John Rice, Jonathan Strickland, Solomon M. Quivey, Seneca Cooley, John M. Hendrick, Elisha Collins, Henry Dwight, Nathaniel S. Jenks, Daniel Farmer, Joel Fuller, Joel Davis, Daniel Sweetland, Oran Eaton, Elam Sikes, Wells Lathrop, Charles Howard, William Rice, Walter Stebbins, Prentiss Pond, Ariel Cooley, Edmund Allen, Lemuel Stebbins, Lemuel Charter, Daniel Hartung, Junior, John Crooks, Joel Allen, Edward Parsons, Thomas Bates, Joseph Hopkins, John Stebbins, Apollos Marsh, Silas W. Searles, Henry Stearns, Aaron I. Miller, John Hall, Israel Hosfield, Lemuel G. Robbins, David Barber, Zenas Hancock, Lyman Cutler, Wait Dart, Josiah Bliss, Joseph Bangs, Simeon Prior, Amos Rice, Elizabeth Sheldon, Asahil Goodrich, Hannah Dwight, Levi Pinney, Jacob Cooley, Elias Ensign, Ezekiel Keith, Julius Dart, Solomon Woodward, Harvey Bates, James, Melvin, James Melvin, Junior, Daniel Ashley, George Cooley, Junior, David Newcomb, Joseph Stephens, William Butler, Daniel Austin, Junior, Daniel Field, Samuel Dale, Eliakim Benton, Solomon McQuivey, Isaac White, Allen Bangs, Ruel Horton, Samuel M. Morgan, Daniel Chapin, Ira Daniels, Epaphras Buckland, Anson Snow, Jason Eddy, Paul G. Simons, Horace King, Benjamin Jenks, Joseph Buckland, Zebulon W. Slafter, Noah Paulk, Amos Jenks, Asa Talcot, Charles Russell, Ephraim Coring, Washington Jenks, and Jonathan Benton, and their associates, with their families, polls and estates, be, and they are hereby incorporated into a religious society, by the name of the Second Congregational Society in the First Parish in Springfield, with all the powers, privileges, and immunities, to which parishes are entitled by the constitution and laws of this Commonwealth; and may purchase, receive by gift or otherwise, and hold real and personal estate, the annual income of which, shall not exceed the sum of two thousand dollars, for the purpose of supporting public

Persons incorporated.

May hold real and personal estate.

Rules and reg-
ulations.

worship therein ; and may also ordain and establish such by-laws and regulations as to them shall seem necessary and convenient for the government of their society, and the management of their ministerial funds ; *provided*, such by-laws and regulations shall be in no wise contrary to the constitution and laws of this Commonwealth.

Membership.

Proviso.

SEC. 2. *Be it further enacted*, That any person who may hereafter be desirous of joining the said Second Congregational Society, and shall certify the same to the Clerk of the said town, which certificate shall be recorded by the said Clerk, shall thereafter, with his or her polls and estate, become a member of said Second Congregational Society ; *provided*, that such person shall pay to the parish or society, which he may leave as aforesaid, his or her proportion of all parish or society taxes assessed, and not paid at the time of filing such certificate with the Town Clerk as aforesaid.

Conditions of
secession.

SEC. 3. *Be it further enacted*, That any member of the said Second Congregational Society, who may at any time hereafter be desirous of leaving the said society, and joining any other parish or religious society in said town, and shall certify the same to the Town Clerk of said town, which certificate shall be recorded by said Clerk, shall thereafter, with his or her polls and estate, become a member of such other parish or religious society : *Provided, however*, that such person shall be held to pay to said Second Congregational Society, his or her proportion of all society taxes assessed, and not paid at the time of filing said certificate with the Town Clerk as aforesaid.

Privileges.

SEC. 4. *Be it further enacted*, That every member of said Second Congregational Society, who has subscribed fifty dollars for the use of said society, or shall become a proprietor in any pew in such meeting house as shall be built for the use of said society, to the value of fifty dollars, shall be entitled to vote in all meetings of said society, for the management of their concerns.

SEC. 5. *Be it further enacted*, That any Justice of the Peace for the County of Hampden be, and he is hereby empowered, on application therefor, to issue

his warrant to some member of said Second Congregational Society, requiring him to notify and warn the members thereof, to meet at such convenient time and place, as shall be appointed in said warrant, for the election of such officers as parishes are by law required to choose at their annual meetings, and to transact such other parochial business as may be authorized by said warrant.

[Approved by the Governor, February 15, 1819.]

CHAP. LXXXVII.

An Act to repeal the eighth section of an act, entitled
 “An act to incorporate the President, Directors and Company of the Suffolk Bank.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the eighth section of an act, entitled “An act to incorporate the President, Directors and Company of the Suffolk Bank,” passed the tenth day of February last, be, and the same is hereby repealed.*

[Approved by the Governor, February 16, 1819.]

CHAP. LXXXVIII.

An act to repeal an act, entitled “An act for establishing a salary, of a fixed and permanent value, for the Governor, and repealing a law heretofore made for that purpose.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That an act, entitled “An*

act for establishing a salary, of a fixed and permanent value, for the Governor, and repealing a law heretofore made for that purpose," passed on the thirteenth day of February, in the year of our Lord one thousand seven hundred and eighty-nine, be, and the same hereby is repealed.

[Approved by the Governor, February 16, 1819.]

CHAP. LXXXIX.

An Act incorporating the Pittsfield Mutual Fire Insurance Company.

Persons incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Josiah Bissell, Henry H. Childs, Phinehas Allen, Henry C. Brown, Solomon Warriner, Ezekiel R. Colt, Moses Warner, Jason Clapp, Simeon Brown, Jonathan Allen, 2d, Thomas B. Strong, Calvin Martin, William C. Jarvis, and their associates, shall be a corporation, together with all other persons within the County of Berkshire, who may become members thereof, under the name of the Pittsfield Mutual Fire Insurance Company, and enjoy all the privileges and powers incident to corporations.

Annual elec-
tion of Direc-
tors.

SEC. 2. *Be it further enacted,* That for the well ordering and governing said corporation, they shall, at a meeting of the said company, to be held annually, on the first Wednesday of October, choose five Directors, and such other officers as may be deemed necessary for the management of said corporation; and any three of the Directors are to constitute a quorum for the transaction of business.

Limitation.

SEC. 3. *Be it further enacted,* That the said company are authorized to insure against loss or damage by fire, originating from any cause, excepting design in the insured, any dwelling house or other building, with their contents, within the County of Berkshire, for any

term not less than one nor more than seven years, and to any amount not exceeding four fifths of the value of the property insured. And if any member shall sustain damage by fire, in property insured by the company, the sum which the insured may have a right to claim, shall be assessed, by the Directors, upon each member of the company, in proportion to the sum by each member insured, or made liable to contribute to losses.

SEC. 4. *Be it further enacted*, That every person shall be deemed and held to be a member of this corporation, who has an interest in any property insured by said person with the company; but his or her rights are to cease, whenever said member parts with his or her legal or equitable interests in the property insured; and his or her liabilities are to be at an end, whenever said member notifies, in writing, the Directors, that he or she has no longer any interests in the property insured by the company: *Provided, however*, that the rights and liabilities of every member are to devolve on said member's heirs, executors and administrators.

Membership.

Proviso.

SEC. 5. *Be it further enacted*, That whenever any loss by fire, shall happen to a member, upon any property insured by the company, said member is to give notice thereof to the Directors, or any one of them, within forty-eight hours after the same happens; and the Directors are immediately to view the same, and determine, in writing, under their hands, the extent of the company's liabilities. And if the sufferer will not acquiesce in their determination, he or she may bring an action at law, against the said company, at the first Court competent to try the same, sitting within the County of Berkshire; and if said sufferer does not recover more than the amount determined upon by the Directors as aforesaid, said member is to become nonsuit, and the company is to recover their costs: *Provided*, the said judgment shall not bar the said sufferer from claiming the amount determined to be due him by the Directors as aforesaid, within thirty days from the said nonsuit. But in case the said member suffering, shall recover more than the amount determined by the Directors as aforesaid, judgment shall be entered up in his favor, for the whole sum found by the ver-

Notification of losses.

Proviso.

dict, with interest at the rate of twelve per centum per annum, added thereto, with full costs ; but execution shall never issue against the said company.

Directors to assess damages.

SEC. 6. *Be it further enacted*, That whenever any member shall have a claim upon the several members of the company, in case of any loss or judgment as aforesaid, the Directors shall assess the amount of such loss or judgment, together with a reasonable compensation for themselves and other officers of the company, upon each and every member thereof, according to their respective liabilities ; requiring each member to pay his or her proportion of the loss or judgment, as assessed upon them, with interest on demand, to the person who has a claim as aforesaid, or to his or her agent or attorney. And such bill of assessment, being signed by a major part of the Directors, and countersigned by the Secretary, and delivered to the claimant within twenty days after his or her claim shall be liquidated, either by agreement of parties or judgment of Court, shall operate a complete discharge of the company, as such, and a release of any judgment which the claimant may have against it: *Provided*, that the claimant first pay the charges of making up the assessment, and discharge the company from any claim or judgment he or she may have against it.

Proviso.

Directors may be prosecuted for neglect of duty.

SEC. 7. *Be it further enacted*, That in case the Directors, whose duty it may be, shall neglect to tender a bill of assessment in the cases contemplated by the foregoing section, in manner therein prescribed ; or in case the Directors neglect to determine the loss of any party claiming, any party aggrieved thereby, may, at any time within one year from the time of such neglect of the Directors, bring an action against such negligent Directors, or sue a writ of scire facias against them, upon the judgment which said party may have against the company, and have judgment and execution against said negligent Directors, in their individual capacity. And in this case, said negligent Directors shall be entitled to demand and have of the Directors for the time being, within thirty days after judgment against them as aforesaid, a bill of assessment in their favor, and for their reimbursement, in form prescribed by this act ;

but neither the costs of the judgment or execution, shall be assessed for them.

SEC. 8. *Be it further enacted,* That every bill of assessment, authenticated in manner herein prescribed, shall confer upon the party in whose favor it shall be made, and the heirs, executors and administrators of such party, authority, in their own names, to collect, sue for and discharge every and each person made liable thereby : *Provided, however,* that no action shall be commenced against any person whatever, until sixty days after demand made, in virtue of said bill of assessment. Liability to assessment.
Proviso.

SEC. 9. *Be it further enacted,* That the Directors are to determine the nature and hazard of all risks ; and all those which may be deemed more hazardous than ordinary, are to contribute to losses upon a larger sum than that at which they are actually insured ; and the sum upon which the insured is to contribute, is to be distinguished in the policy, from the sum on which insurance is made. Amount of risks.

SEC. 10. *Be it further enacted,* That if any member of this company shall insure any property, insured by this corporation, with any other individual or insurance company, without the consent of the Directors of this company, such member shall forfeit his or her insurance in this corporation, but is not exonerated from the liability to contribute to losses. Forfeitures.

SEC. 11. *Be it further enacted,* That any two of the aforementioned associates may, as soon as they deem proper, call a meeting of the said corporation, to be held at such time and place as they may judge proper, by a notification printed in the Pittsfield Sun, seven days previous to the time of holding such meeting, in order that said corporation may organize themselves, make suitable by-laws, and proceed in the business of the association. First meeting.

[Approved by the Governor, February 16, 1819.]

CHAP. XC.

An Act to incorporate the Proprietors of Suffolk Wharf, in the town of Boston.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Welles, William Payne, Edmund Munroe, Otis Clap, and others, their associates, successors and assigns, be, and they hereby are constituted a body politic and corporate, by the name of the Proprietors of the Suffolk Wharf; and the said corporation, by the same name, are hereby declared and made capable in law, to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure, to make rules and by-laws for the regulation and management of the estate hereinafter described, consistent with the laws of the Commonwealth; and generally to do and execute whatever, by law, shall appertain to bodies politic.

Persons incor-
porated.

General pow-
ers.

SEC. 2. *Be it further enacted*, That the said corporation be, and hereby is declared capable to have, hold and possess certain real estate situate in said Boston, bounded and described as follows, to wit : beginning at the westerly corner of the red store which was formerly occupied by Thomas Lewis, as his counting room, and thence running northerly by the end of said store, and across the passage way, which leads from Fish Street, down Lewis' Wharf, so called, forty feet, to land late of Daniel Barker, deceased; thence running south-easterly, by said Barker's land, as the buildings stand, about one hundred and fifty feet, to the head of the dock, at the end of said Barker's land and wharf; thence running north-easterly, by the head of said dock, and by said Barker's land, twenty-two feet; thence running south-easterly again, by the flats and wharf of the heirs or assigns of the late John Hancock, Esquire, out to low water mark, or the channel; thence bounded south-westerly, by a line parallel to said Lewis' Long Wharf, and eighty

Boundaries.

feet distant therefrom, and bounding on flats, owned by the proprietors of Exchange Wharf, until it reaches said Exchange Wharf; thence running more northerly, and bounding on said wharf, until it comes to the capstone of Lewis' Short Wharf, so called; and thence running through said Short Wharf, about one hundred and forty feet, to the first mentioned bounds; together with all the wharves, docks, rights of ways, buildings, privileges, and appurtenances thereof; *provided*, the lawful proprietors thereof, shall legally convey the same to said corporation. And the said corporation shall have power to sell, grant and alien, in fee simple, or otherwise, their corporate property, or any part thereof, within the said described limits, and lease, manage and improve the same, according to the will and pleasure of the said corporation, to be expressed at any legal meeting: *Provided always*, and it is hereby well understood, that nothing herein contained, shall be construed into any grant or confirmation of title to land, in the said associates, or corporation; or into any authority to extend the dimensions of said wharf beyond the title and authority which the present proprietors thereof, now have and possess, in this behalf.

SEC. 3. *Be it further enacted*, That the said corporate property shall be divided into shares, not exceeding two hundred in number, as the said corporation may find to be most expedient; and said shares shall be divided among the several proprietors, according to the interest and portions which they respectively may have in the said corporate property; and certificates of such shares shall be signed by the President of the corporation, and issued to the proprietors accordingly; and the shares in said corporation shall be transferable, by endorsement on the back of said certificates; and the property in said shares shall be vested in the assignee or vendee thereof, when a record shall be made thereof, by the Clerk of the corporation, and new certificates shall be issued accordingly; and such shares shall, in all respects, be considered as personal estate.

SEC. 4. *Be it further enacted*, That the said corporation shall have power, from time to time, to assess

Assessments. such sums of money as may be deemed necessary for rebuilding or repairing any buildings whatever, or other property of said corporation, or necessary for the building of any new wharves or tenements within the aforesaid limits, or for the improvement and good management of the corporate estate, agreeably to the true intent and meaning of this act. And in case any proprietor shall refuse or neglect to pay any assessment, the said corporation may cause such of the shares of such proprietor, as may be sufficient therefor, to be sold at public auction, after ten days notice, to the highest bidder; and after deducting the amount assessed and unpaid, together with the charges of sale, the surplus, if any, shall be paid over to such proprietor; and the purchaser of such share or shares, so sold, shall be entitled to and receive a certificate of the share or shares by him purchased accordingly.

Delinquent shares may be sold.

Privilege of voting.

Provisos.

Public notice to be given.

Meeting for choice of officers.

SEC. 5. *Be it further enacted*, That the corporate property, which the said corporation shall have and hold, at one time, in virtue of this act, shall not exceed in value the sum of two hundred thousand dollars; and in all meetings of the members of said corporation, for the transaction of business, each member or proprietor shall be entitled to one vote for every share by him held in said corporation: *Provided always*, that no one member shall ever be entitled to more votes than shall be equal to one third part in value of the corporate property; *and provided further*, that no assessment shall be made at any meeting, unless the same shall be agreed to by two thirds, at least, in number and value, of those present, or represented at such meeting; nor unless public notice shall have been given, at least ten days previous to such meeting, of the purpose of such meeting, by publication thereof in one or more newspapers printed in Boston. Proprietors may appear and act at any meeting by proxy, in writing.

SEC. 6. *Be it further enacted*, That either of them, the said Welles, Payne, Munroe, or Clap, may call a meeting of said corporation, by advertising the same in any of the newspapers printed in Boston, ten days at least before the time of meeting; and that the said corporation may, at such or any other meeting, agree

on the mode of calling future meetings, and shall elect a President and Clerk, and may elect all such other officers, as said corporation may think fit, for conducting and managing the corporate affairs and estate, and the same may change and remove, as the said corporation shall see fit.

[Approved by the Governor, February 17, 1819.]

CHAP. XCI.

An Act explanatory of an Act, entitled “An act in addition to the several laws now in force, to secure to owners, their property in Logs, Masts, Spars, and other Timber.”

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the second section of said additional act, shall not be construed to repeal the acts, or any part of the act or acts, made before the ninth day of February, eighteen hundred and eighteen, for securing to owners, their property in logs, masts, spars, and other timber, in Saco River, any thing in said additional act, to the contrary notwithstanding.

Construction
of law.

SEC. 2. *Be it further enacted,* That all acts made for the regulation of timber in Saco River, and for securing to owners, their property therein, shall hereafter be extended and applied to Great Ossipee and Little Ossipee Rivers, so called; and all other streams which empty into said Saco River, within this Commonwealth, any thing in any act, to the contrary notwithstanding.

Application
of law.

SEC. 3. *Be it further enacted,* That all logs, masts, spars, or other timber, put into any river, pond, or stream, in the District of Maine, for the purpose of being floated to market, and mixed with other logs, masts, spars, or other timber, and in such manner as they cannot be separated; such logs, masts, spars, or other timber, shall be holden, by their marks, to pay

Compensation
for driving
stray logs.

the person or persons, who shall drive the same, a reasonable sum for so driving, unless the owners thereof shall appear and pay to those persons, who drove any logs, masts, spars, or other timber, within thirty days after such service is performed; and, at the expiration of said thirty days, the person or persons, performing said service, shall have full power to sell, at public vendue, so many of said logs, masts, spars, or other timber, as shall pay the full expense for driving the same, after giving fifteen days notice, by posting up advertisements in two or more public places in the town where the owner or owners reside. And if any surplus shall remain, over and above what shall compensate such person for his trouble and expenses, the same shall be returned to the owners thereof.

[Approved by the Governor, February 17, 1819.]

CHAP. XCII.

An Act to authorize the sale of certain Lands of the Proprietors of the Meeting House of the First Religious Society, in Newburyport.

May sell real
estate.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Nicholas Johnson, Junior, Eleazer Johnson, and John R. Hudson, be, and they hereby are authorized and empowered to sell and convey all and singular the real estate owned by the proprietors of the meeting house of the First Religious Society in Newburyport, which is situated in Common Pasture, so called, and in said town of Newburyport; and to make, execute, and deliver to the purchaser or purchasers thereof, good and sufficient deed or deeds of conveyance of the same.*

SEC. 2. *Be it further enacted, That all monies arising from the sale aforesaid, shall be placed on in-*

terest, on such security as shall be deemed by their committee, for the time being, to be most safe and certain.

[Approved by the Governor, February 17, 1819.]

CHAP. XCIII.

An Act providing for the payment of One Tenth Part of the State Debt.

SFC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Treasurer of the Commonwealth be, and he is hereby directed and empowered to pay, on the first day of July next ensuing, one tenth part of the debt due from this Commonwealth, on notes issued on authority and in behalf of this Commonwealth, bearing an interest of five per centum per annum. in addition to the interest which shall then have accrued thereon.

Payment of
State debt.

SFC. 2. *Be it further enacted,* That the Treasurer shall issue new notes to the several holders of the notes aforesaid, similar to those issued under the act of June fourteenth, in the year of our Lord one thousand eight hundred and ten, entitled "An act repealing an act providing for the payment of two fifth parts of the State Debt, and for other purposes, and providing for the payment of one fifth part of the State Debt, and for other purposes," *mutatis mutandis*, for the balance which shall be due to them, after deducting and paying off one tenth part of the State Debt as aforesaid. And the one tenth part of the State Debt as aforesaid, shall cease to bear interest after the first day of July next : *Provided, however,* that the Treasurer shall issue no new note for a less sum than twenty dollars ; but in any case where, after the deduction of one tenth, it would be incumbent on him to issue any such note, he be, and he is hereby directed and empowered wholly to pay the same : *And provided,*

New State
Notes.

Provisos.

also, that the Treasurer shall not include in any new note to be issued, the fractional parts of a dollar ; but such fractional parts of a dollar shall be paid by him, in addition to the instalment of ten per centum, provided to be paid as aforesaid.

Appropriation
of money.

SEC. 3. *Be it further enacted, That all money now in the hands of the Treasurer, or which may hereafter come into his hands, be appropriated to the purposes aforesaid, excepting such sums as may be necessary for defraying the expenses of the government, and such as have been, or may be otherwise appropriated by law.*

[Approved by the Governor, February 18, 1819.]

CHAP. XCIV.

An Act to incorporate William Ingalls, and others, into a Society, by the name of a Republican Institution, in the town of Boston.

Persons incor-
porated.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That William Ingalls, Ebenezer Clough, Joseph N. Howe, Abraham H. Quincy, Peter P. F. Degrand, Jonathan Simonds, Daniel Adams, Robert H. Thayer, Thomas Badger, Thaddens Page, Davis C. Ballard, Rolun Hartshorn, and William Gale, together with all others, who now are, or hereafter may be associated with them, be, and they are hereby constituted a body politic and corporate forever, for the purpose of procuring a building, and keeping it in repair, with suitable apartments for a reading room, library, and the meeting of the said society, by the name of a Republican Institution, in the town of Boston ; and by that name, may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, in all actions, real, personal and mixed ; and the said corporation shall have full*

General pow-
ers.

power to make, have and use a common seal, and the same to break, alter and renew, at pleasure; and shall have, exercise and enjoy, all the powers and privileges incident and usually granted to other corporations, of a like nature and purpose.

SEC. 2. *Be it further enacted*, That the said corporation be, and the same is hereby made capable in law, of having and holding, by gift, grant, devise, or otherwise, any estate, real or personal; *provided*, the same shall not exceed the annual income of five thousand dollars. And the said corporation may, annually, or at any special meeting, called for the purpose, make, establish, and put in execution, such by-laws, rules and regulations, as to calling future meetings, the election of officers, and the admission of members, as they may judge to be necessary and expedient; *provided*, that such by-laws, rules and regulations, shall not, in any case, be contrary to the constitution and laws of this Commonwealth.

May hold real estate.

Proviso.

Rules and regulations.

SEC. 3. *Be it further enacted*, That any three of the persons named in this act, be, and they are hereby empowered, by advertisement in any one or more newspapers, printed in Boston, to call a meeting of the members of the said institution, to be holden at such convenient time and place as shall be appointed in said advertisement, to organize the said institution, by the election and appointment of its officers.

First meeting.

[Approved by the Governor, February 18, 1819.]

CHAP. XCV.

An Act to set off Elijah Hewins and Norman Lester, from Great Barrington to Alford.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Elijah Hewins and Norman Lester, with their families and estates, be, and they are hereby set off from the town of Great

Persons set off.

Taxes to be
paid.

Barrington, and annexed to the town of Alford, in the County of Berkshire; and shall hereafter be a part of the same, as fully and completely, as if it had been originally a part of said Alford: *Provided, however,* that the said Hewins and Lester shall be holden to pay to the said town of Great Barrington, their proportion of all state, county, town, parish, and school taxes, assessed and not paid, prior to the passing of this act.

Boundaries.

SEC. 2. *Be it further enacted,* That the easterly line of Alford, by the addition of the lands aforesaid, shall be ascertained and determined to commence at the old western town line, on the south side of lot number seventeen, and thence running easterly by and with the south line of said lot number seventeen, and adjoining the highway there, until it intersects the range of the easternmost line, running between Alford and Great Barrington, containing about one hundred and four acres.

[Approved by the Governor, February 18, 1819.]

CHAP. XCVI.

An Act to prevent the waste and destruction of Timber and Cord Wood.

Course of law
required.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That any person, seized of a freehold estate, or of a remainder or reversion, in fee simple or fee tail, in a lot or tract of wood land in this Commonwealth, whereon the trees shall have come to an age and growth fit to be cut, may prefer a petition to the Supreme Judicial Court, holden in any county, representing the state and condition of such trees, and praying that the same may be felled and sold, and the proceeds thereof invested for the use of the persons interested in such wood land; and the said Court may thereupon order due notice to be given to

all persons known to be interested therein, to appear and show cause, if any they have, why the prayer of such petition should not be granted; and after hearing the parties, if any shall appear, may appoint one or more persons to examine said wood land; and if, from their report, or other evidence which shall be exhibited to the Court, it shall appear that the trees upon said land are of an age and growth fit to be cut, and likely to deteriorate in value, the said Court may, and they are hereby empowered to license and order, on such terms and conditions as said Court shall require, the whole, or such part of such trees as they shall think proper, to be felled and sold, and the money arising from the sale thereof, to be brought into Court, subject to their further order.

SEC. 2. *Be it further enacted*, That the said Court shall and may appoint one or more commissioners, Commissioners to execute laws whose duty it shall be to superintend and direct the felling of said trees, and the sale of the same, and to account to said Court for the proceeds thereof, and also to give bond to the Clerk of said Court, or such other person as the Justices of said Court shall appoint, for the faithful performance of the trust. And the said Court may, and they are hereby further empowered, to cause the net proceeds of said trees, after paying all necessary expenses and charges, to be invested in other real estate in this Commonwealth, or in public stocks, at their discretion, to be holden to the same uses, and subject to the same limitations, as such wood land, and the income and profits thereof, to be paid to the person or persons entitled to the income and profits of said wood land; or to be paid and apportioned to and among the several persons interested in the same estate, in such portions as to the said Court shall appear just and equitable; and also to appoint one or more Trustees to take and hold such estate or stock for the uses aforesaid; and such Trustees to remove, and others appoint in their stead, when, and so often, as the security and good management of the property shall require it; which Trustees shall also give bond, with good and sufficient sureties, to said Clerk or other person, as aforesaid, for the faithful execution and performance of the said trust. Trustees to hold stock.

[Approved by the Governor, February 18, 1819.]

CHAP. XCVII.

An Act to establish the Salaries of certain Officers,
therein named.

Salaries.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the following be established as the annual salaries of the officers hereinafter named, to commence from the last Wednesday in May last, and to be paid hereafter in quarterly payments: The Lieutenant Governor, five hundred thirty-three dollars, thirty-three cents; the Treasurer and Receiver General, two thousand dollars; the Secretary of the Commonwealth, two thousand dollars.

Secretary's
Fees.

SEC. 2. *Be it further enacted,* That the Secretary of the Commonwealth be required to exhibit to the Governor and Council, a quarterly return, under oath, of all sums received by him, as fees in his office, which shall be deducted from his salary, and a warrant issued only for the balance found due.

[Approved by the Governor, February 18, 1819.]

CHAP. XCVIII.

An Act in further addition to an act, giving remedies
in Equity.

Condition of
assignments.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That when it shall appear to the Court, in any suit, which is or may be pending, for the redemption of lands or tenements, granted and held upon condition, by force of any deed of mortgage, or bargain and sale with descasance, that, by reason of any assignment or conveyance thereof, before the commencement of such suit, or for any other cause, it is necessary to the attainment of justice, that some other person claiming or holding by force of such

conveyance, should be made party to the suit with the original defendant, the Court may, on motion, and upon such terms, with regard to costs, as they shall deem reasonable, order such person to be made a party to the suit, by serving him with an attested copy of the original bill in equity, and the motion and order thereon, in such manner as the Court may direct. And upon the appearance or default of the person so summoned, the suit shall proceed in the same manner as if he had been originally made a defendant.

SEC. 2. *Be it further enacted*, That when a decree shall be made for the redemption of any lands or tenements granted and held as aforesaid, the Court shall have power to enter a decree or judgment, and to award execution against any defendant or defendants, jointly or severally, as the case may require, for such amount in damages, as shall, in equity and good conscience, be found due from him or them respectively, for the rents and profits received, over and above the sums reasonably expended in repairing and bettering the estate to be redeemed. Decrees of Redemption.

SEC. 3. *Be it further enacted*, That when any sum of money shall have been brought into Court, in any suit for the redemption of lands or tenements granted and held as aforesaid, the Court shall have power to deduct therefrom such sum as the party for whose use it was brought in, may be justly chargeable with, by reason of rents and profits which he has received, or costs awarded against him in the same suit; and the amount, so deducted, shall be restored to the party who brought in the same. Powers of Court. And if any person to whom money is tendered, in order to redeem lands or tenements granted and held as aforesaid, shall receive of the person tendering the same, a larger sum than he is justly entitled to retain, he shall be held to account for the excess, in manner aforesaid. But if the party receiving such excess, shall release his right to the lands or tenements, without any suit in equity being brought, it may be recovered in an action of assumpsit for money had and received to the use of the party who paid the same.

[Approved by the Governor, February 18, 1819.]

CHAP. XCIX.

An Act to change the Names of certain Persons, therein mentioned.

Names
changed.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joseph Bartlett, 3d, of Plymouth, shall be allowed to take the name of Joseph Henry Bartlett; that Nathaniel Bishop, Junior, of Winthrop, shall be allowed to take the name of Nathaniel Cony Bishop; that John Brewer, of Framingham, shall be allowed to take the name of John Maitland Brewer; that Abigail Brooks, wife of John Brooks, of Boston, shall be allowed to take the name of Mary Abigail Brooks; that Mary Hart Bull, daughter of James Bull, of Northampton, shall be allowed to take the name of Elizabeth Miller Hart Bull; that Charles Forbes, of Northampton, shall be allowed to take the name of Charles E. Forbes; that George Carey, of Chelsea, shall be allowed to take the name of George Blankern Carey; that Charles Dexter, of Boston, son of Aaron Dexter, shall be allowed to take the name of Charles Parker Dexter; that Susanna Lewis Nickolson Delano, daughter of Mercy Delano, of Boston, shall be allowed to take the name of Mary Elizabeth Nickolson; that Edward Gannet, of Salem, shall be allowed to take the name of Edward Farley; that Samuel Gooch, of Boston, shall be allowed to take the name of Samuel Davenport Gooch; that Susan Elizabeth Green, daughter of Andrew Green, of Boston, shall be allowed to take the name of Elizabeth Heath Green; that Charles Hayward, son of Caleb Hayward, of Boston, shall be allowed to take the name of Charles Rice Hayward; that Stephen Little, Junior, of Newbury, shall be allowed to take the name of Stephen William Little; that Lewis Robinson Paige, son of Timothy Paige, of Hardwick, shall be allowed to take the name of Lucius Robinson Paige; that William Paige, of Boston, shall be allowed to take the name of James William Paige; that Samuel

Parker, son of Samuel Lillie Parker, of Boston, shall be allowed to take the name of Lucius Champlin Parker; that Joseph Peabody, 3d, of Salem, shall be allowed to take the name of Joseph William Peabody; that John Proctor, of Danvers, shall be allowed to take the name of John W. Proctor; that Peter Smith, of Boston, shall be allowed to take the name of Francis Peter Smith; that Joel Thayer, of Boston, shall be allowed to take the name of Joel Frederick Thayer; that Sarah Atherton Thayer, daughter of Stephen Thayer, of Boston, shall be allowed to take the name of Sarah Jackson Thayer; that Joseph Henry Jackson Thayer, son of the said Stephen Thayer, shall be allowed to take the name of Joseph Henry Jackson; that John Glover Teague, of Boston, shall be allowed to take the name of John Glover; that Charles Torrey, of Scituate, shall be allowed to take the name of Charles Turner Torrey; that Stephen Twist, of Danvers, shall be allowed to take the name of George T. Cook; that Jesse Walcutt, a native of Bolton, now resident in Cambridge, shall be allowed to take the name of Samuel Baker Walcutt; that Samuel Watson, 2d, of Leicester, shall be allowed to take the name of Samuel Dexter Watson; that Caleb Winship, of Boston, son of Abiel Winship, shall be allowed to take the name of Charles Shepard Winship; that Isaac Van Deuson, 3d, of Great Barrington, shall be allowed to take the name of Isaac Laird Van Deuson; and the said several persons shall hereafter be called and known by the names which, by this act, they are severally and respectively allowed to take as aforesaid; and the same shall be considered as their only proper and legal names.

[Approved by the Governor, February 18, 1819.]

CHAP. C.

An Act to apportion and assess a Tax of One Hundred and Thirty-three Thousand, Three Hundred and Two Dollars and Fifty-two Cents ; and to provide for the reimbursement of Seventeen Thousand and Thirty-two Dollars, paid out of the Public Treasury, to the Members of the House of Representatives, for their attendance at the two last sessions of the General Court.

[Approved by the Governor, February 18, 1819.]

CHAP. CI.

An Act to establish a Ministerial Fund, in Cape Elizabeth.

Persons incor-
porated.

General pow-
ers.

Officers to be
chosen.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Ebenezer Thrasher, Rishworth Jordan, William Cobb, Ebenezer Webster, Junior, and Daniel Skillings, be, and they hereby are incorporated into a body politic and corporate, by the name of the Trustees of the Cape Elizabeth Ministerial Fund ; and by that name, they and their successors in office, shall be and continue a body politic forever ; and they shall have a common seal, subject to alteration at pleasure ; and they may sue and be sued, in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the name aforesaid ; and shall have all other powers which are incident to, and necessarily belong to the like corporations. And the said Trustees and their successors shall, annually, elect one of their number as President, and a Clerk to record the doings of said Trustees, and a Treasurer to receive and pay the money belonging to said fund, according to the provisions of this act, who shall give bond to the said*

Trustees, for the faithful performance of his duty; and shall be at all times responsible for the faithful application of the monies which may come into his hands, conformably to the true intent and meaning of this act, and for all neglect or misconduct in his office.

SEC. 2. *Be it further enacted*, That the said Trustees be, and they are hereby authorized and empowered to sell and convey all the ministerial lands belonging to the Congregational Society, in said town of Cape Elizabeth; and the monies arising from the sale of the said lands, shall be put at interest, and shall form a fund for the support of the ministry in said society, which shall be under the care and management of the said Trustees, in the manner provided for and directed by this act. And when the said Trustees may loan the said monies, or any part thereof, the same shall be secured by mortgage on real estate, to twice the value of the money loaned, or secured by two or more sureties, with the principal, or invested in bank stock, and the interest arising therefrom shall be applied to the support of the settled Minister in said society; and whenever the society shall be destitute of a settled Minister, the annual interest shall be added to the fund, and invested as aforesaid; and it shall never be in the power of the said Trustees to alter or alienate the appropriation of the fund aforesaid. And the said Trustees are hereby empowered to make and execute a good and sufficient deed or deeds of said lands, or any part thereof, which shall be signed by the Treasurer, with their seal affixed thereto, and by the said Treasurer duly acknowledged and delivered, and thus executed and delivered, shall be good and effectual in law, to pass and convey all the right of the said society in and to said real estate, to the purchaser or purchasers thereof.

Corporate funds.

May loan funds.

SEC. 3. *Be it further enacted*, That the number of Trustees shall not be more than five, nor less than three shall be necessary to constitute a quorum, for transacting the business of said corporation; but a less number may adjourn from time to time, shall and may fill any vacancies in their number, which may happen by death, resignation or otherwise, and may remove any one of their number, who by reason of

Powers of Trustees.

age, infirmity, or negligence, shall be incapable, or omit to discharge his duty; and the said Trustees, Treasurer, or Clerk, shall not be entitled to receive any compensation for the services they may perform, out of the monies belonging to the said fund. And the said Trustees and Treasurer, and their successors in office, shall exhibit to the society a report of their doings, and the state of the funds, at the annual meeting, in the month of March or April.

First meeting. SEC. 4. *Be it further enacted,* That any Justice of the Peace for the County of Cumberland, upon application therefor, is hereby empowered to issue a warrant, directed to one of the Trustees named in this act, requiring him to notify and call a meeting of the said Trustees, to be holden at such convenient time and place as may be appointed in said warrant, to organize the said corporation, by the appointment of its officers.

[Approved by the Governor, February 18, 1819.]

CHAP. CII.

An Act to incorporate the Trustees of the Ministerial Funds, in the town of Bridgton.

Preamble. WHEREAS Enoch Perley, Esquire, and Robert Andrews, have given and appropriated, each, one thousand dollars, for the laudable purpose of forming a fund, for the support of a learned and pious Congregational Minister, in the town of Bridgton, in the County of Cumberland, and have nominated and appointed Deacon Phinehas Ingalls, Nathaniel Howe, Esquire, John Perley, Esquire, Colonel John Kilborn, Junior, and Mr. Moses Stickney, to manage and improve said sum; now, therefore, the better to carry into effect the laudable design of the said donors—

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said Phinehas

Ingalls, Nathaniel Howe, John Perley, John Kilborn, Junior, and Moses Stickney, and their successors, be, and they hereby are appointed Trustees, for the prudent management of said fund; and for that purpose shall be a body corporate and politic, by the name of the Trustees of the Ministerial Funds in Bridgton; and they and their successors, by the same name, may sue and be sued, in all actions, real, personal and mixed, and may prosecute the same to final judgment and execution; and shall have and keep a common seal, subject to be changed and altered at their pleasure; and the same Trustees, and their successors, may and shall annually elect a President, and a Treasurer to receive and apply the monies herein mentioned, as hereafter directed; and also a Clerk, to record the doings of said Trustees, and for which purpose, a book or books shall, from time to time, be provided and kept.

General powers.

SEC. 2. *Be it further enacted*, That said Trustees shall have power, from time to time, to fill up vacancies in their number, which may happen by death, resignation, removal, or otherwise; and that the number of said Trustees shall never be more than five, any four of whom shall constitute a quorum, to transact business, but a less number may adjourn, from time to time, for any term, not to exceed one month; and said Trustees shall have power to remove any of their number, who, through age, infirmity, misconduct, or other cause, shall become unfit or incapable of discharging their duty: *Provided, however*, that all vacancies shall be filled from inhabitants of the town of Bridgton, and from such as are members of the Congregational Society there.

Limitation of powers.

Proviso.

SEC. 3. *Be it further enacted*, That it shall be the duty of said Trustees to receive said two thousand dollars, and the same to put out and loan on interest, or vest in bank stock, at their discretion; and the interest arising therefrom, it shall be the duty of said Trustees, annually, on the first day of April, to pay into the treasury of said town of Bridgton, and which shall be appropriated to the support of a learned protestant gospel Minister, of the Congregational order, duly and regularly ordained and settled, and statedly

Protestant gospel ministry.

Provisos.

preaching in a house for the public worship of God, which house shall always be located southerly of the fourteenth range of lots, in said town of Bridgton, and not elsewhere: *Provided, always*, that if said town of Bridgton should ever hereafter be divided into two or more towns, or parishes, or parts of two or more towns, or parishes, the interest aforesaid shall, in that case, be applied and expended for the support of a Minister aforesaid, who shall be duly ordained and settled, and statedly preach in a meeting house, which shall be located within the limits of the now town of Bridgton, and to the southward of the twentieth range of lots in said town: *And, provided, also*, that if it shall so happen that no such Congregational Minister shall be settled in said town, or that the one settled shall not regularly preach, for at least one half the number of Sabbaths, during any year, in a house appropriated for public worship, located as aforesaid, then the interest aforesaid, for and during such year, shall be added to, and become a part of the principal of said fund.

Obligation of Trustees.

SEC. 4. *Be it further enacted*, That if said Trustees, or their successors, shall ever wittingly and designedly apply any part of said fund, or any part of the interest thereof, to any other use or purpose, than is provided for in this act, then their authority and power, as Trustees, shall become void and utterly cease; or should the said town of Bridgton, into whose treasury the interest aforesaid is paid, misapply the same, contrary to the intent of the donors, then the said funds shall revert in, and revert to, the original donors, or their heirs respectively, in the same proportion as first given by them; and the person or persons, in whose hands and possession any part, or the whole of said funds shall then be, shall, on due notice of such misapplication of said fund, be liable, on demand, to pay the same to the original donors, or their heirs, as money had and received, to their use, respectively.

May hold real estate.

SEC. 5. *Be it further enacted*, That the said Trustees and their successors be, and hereby are authorized and empowered to take and hold, by gift, grant, or otherwise, any estate, real or personal, under the

same restrictions and limitations as are provided in this act, respecting the sum given by the said Perley and Andrews; *provided*, the annual income thereof shall not exceed the sum of two thousand dollars.

SEC. 6. *Be it further enacted*, That it shall be the duty of said Trustees to meet annually, in the month of March, for the choice of officers, and for transacting any business relating to the management of said funds, and as much oftener as they may deem necessary and expedient, and to agree upon the mode of calling future meetings; and to pass all such by-laws as may be necessary; *provided*, the same are not repugnant to the constitution and laws of this Commonwealth. And it shall be the duty of said Trustees, to require the Treasurer to give bonds, with sufficient sureties, in double the amount of said fund, for the faithful discharge of his duty, and the application of said fund, according to the intent of the donors.

Election of officers.

Bonds to be required.

SEC. 7. *Be it further enacted*, That John Perley, Esquire, be, and hereby is authorized to call the first meeting of said Trustees, by giving personal notice to said Trustees of the time and place, seven days at least, before the day which he shall appoint for said meeting.

First meeting.

[Approved by the Governor, February 18, 1819.]

CHAP. CIII.

An Act to incorporate the Town of Parsons.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all that part of the town of Newbury, in the County of Essex, which lies within the following boundaries, to wit: Beginning on the River Merrimack, where the River Artichoke empties into the same, and thence running up the said River Artichoke, and through the middle thereof, about five

Boundaries.

hundred and seventy-seven rods, and twenty-two links, to the New Log, so called; thence running south, twenty-five degrees east, about three hundred and sixty rods, to the boundary line between the first and fourth parishes in said town of Newbury; thence running south, fifty-two and an half degrees west, by the said parish line, to the southerly side of the road leading from Newburyport to the west parish of Rowley; thence running on the southerly side of said road to Great Rock, so called; and thence by the southerly side of said road to Johnson's Corner, five hundred and twenty-eight rods and two links; thence running by the boundary line of the third parish of Newbury, three hundred and eighty-five rods and twenty-four links, to the boundary line of the town of Bradford; thence, by said Bradford line, to the said River Merrimack; thence down said River Merrimack to the bound first mentioned; be, and the said part of said town of Newbury hereby is incorporated into a town, by the name of Parsons, and invested with all the powers, privileges and immunities, and subject to all the duties and liabilities, to which other incorporated towns are subject, by the constitution and laws of this Commonwealth.

Taxes provided for.

SEC. 2. *Be it further enacted*, That the said town of Parsons shall be holden to pay one third part of all taxes, which have been heretofore assessed by said town of Newbury, and remain unpaid at the time of the passing of this act, and also the like proportion of all debts due and owing by said town of Newbury.

Paupers to be provided for.

SEC. 3. *Be it further enacted*, That the said towns of Parsons and Newbury shall respectively support and maintain the several persons and their families, and all such as shall have a derivative settlement under them, or any of them, who are now chargeable, and mentioned as allotted to said towns respectively, in a certain schedule thereof, entitled a statement of the expense of the poor of the town of Newbury, agreed to on the eleventh day of February, in the year of our Lord one thousand eight hundred and nineteen, and signed by the committee of the said town of Newbury of the one part, and by the committee of divers inhabitants of the second and third parishes of said New-

bury, being petitioners for the incorporation of said Parsons, of the other part ; and all other persons, who shall hereafter be found chargeable to said towns, shall be supported and maintained by them respectively, according to the general laws in this behalf: *Provided*, Proviso. *always*, that nothing in this act shall be construed to affect any agreement heretofore made between the towns of Newbury and Newburyport, respecting the support of paupers ; but the said town of Parsons shall contribute its just proportion of all sums of money, which said Newbury shall pay by force of such agreement ; said proportion to be ascertained by the state valuations from time to time made of the said towns of Parsons and Newbury.

SEC. 4. *Be it further enacted*, That the inhabitants of the said town of Newbury shall have, hold and enjoy, to their own use and benefit forever, all the real and personal estate belonging to the said town, at the time of the passing of this act, excepting any real estate which may fall within the limits of the town hereby incorporated ; and the said town of Parsons shall pay to the said town of Newbury the sum of four thousand one hundred dollars, within twelve months from the period last aforesaid. Remuneration of rights.

SEC. 5. *Be it further enacted*, That the said town of Parsons shall contribute its just proportion, to be ascertained as in the third section of this act, of the expense of making a certain highway, lately laid out in said Newbury, and known by the name of Noyes' Road, whenever the said town of Newbury shall be compelled to make the same. Highways.

SEC. 6. *Be it further enacted*, That any Justice of the Peace of said County of Essex, is hereby authorized to issue his warrant, directed to any freeholder in the said town of Parsons, requiring him to warn the inhabitants thereof, to meet at the time and place therein appointed, for the purpose of choosing such town officers, as towns are by law required to choose at their annual meetings. First meeting.

[Approved by the Governor, February 18, 1819.]

CHAP. CIV.

An Act to incorporate the Thomaston Charitable Society,

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John H. Ingraham, Job Washburn, Hezekiah Prince, Halsy Healy, David S. Fales, Sullivan Dwight, Perez Tilson, John Gleason, Joseph Sprague, David Fales, Junior, William Pope, Thomas P. Vose, Oliver Fales, James Partridge, John Spear, Junior, Iddo Kimball, Charles Spafford, John Spafford, Charles Holmes, John Lovejoy, John Paine, Ebenezer Thatcher, Ballard Green, Ebenezer S. Young, Snow Paine, and William Cole, together with such others as may hereafter associate with them for this purpose, be, and they hereby are constituted a society and body politic and corporate, by the name of the Thomaston Charitable Society; and they and their successors shall be and continue a body politic and corporate forever, for the purpose of applying their funds to assist the poor and destitute, and for no other purpose whatsoever.

Persons incor-
porated.

SEC. 2. *Be it further enacted*, That the members of the said society shall have power to elect a President, Secretary, Treasurer, Trustees, and all other necessary officers; and they shall also have a common seal, and the same break, change, and renew, at their pleasure; and the said society, by the name aforesaid, may sue and be sued, and prosecute and defend suits at law to final judgment and execution; and shall also have power to prescribe rules for the admission of new members, to fix and order, from time to time, the mode of notifying, and time and place of holding meetings, the election of its officers, and the time and tenure of holding the same; and to establish such by-laws, rules and orders, as they may judge necessary, for the well ordering the said society; *provided*, such by-laws, rules and orders shall not, in any case, be repugnant to the constitution and laws of the Commonwealth.

General powers.

Proviso.

SEC. 3. *Be it further enacted*, That the said corporation shall be able, and capable in law, to hold real and personal estate, by gift, grant, devise or otherwise, and the same to manage, improve, sell, alienate and convey, as they may see cause: *Provided, however*, that the real estate, which the said society may hold, shall never exceed the value of twenty thousand dollars, and that the personal property thereof shall not exceed the sum or value of thirty thousand dollars.

May hold real and personal estate.

Proviso.

SEC. 4. *Be it further enacted*, That any three of the persons named in this act, may appoint and notify the time and place for the first meeting of the said society, to organize the society by the election of its officers.

First meeting.

[Approved by the Governor, February 18, 1819.]

CHAP. CV.

An Act in addition to the several acts respecting the Indians and other Persons, Proprietors and Residents on the Plantations of Mashpee and Herring Pond, so called.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, to constitute a proprietor of the Plantation or District of Mashpee, or a member of said Herring Pond tribe, the person, alleged to be a proprietor, must be a child or lineal descendant of some person who is now a proprietor; and in no other way or manner shall the rights of proprietorship be acquired: And the Overseers of said Mashpee and Herring Pond tribes shall, as soon as may be, after the passing of this act, cause to be made an enumeration or census of all the proprietors and members of the said tribes, and of all other persons resident on their plantations respectively; distinguishing proprietors from all other persons; and make a record there-

Indian relationship.

of, of the names and ages of all such proprietors and members; which record shall distinguish the said tribes, and shall be annually revised and corrected by the said Overseers, at their stated annual meeting; and a return thereof shall be made by the said Overseers, to the Governor and Council, on or before the last day of December annually.

Powers of
Overseers.

SEC. 2. *Be it further enacted*, That the Overseers aforesaid, in addition to the powers granted to them as Overseers, be, and they are hereby invested with all the powers, and shall discharge all the duties, which, by any law, is or may be given to or incumbent upon a Guardian or Guardians of such Indian tribes, whenever such office of Guardian shall be vacant.

Penalties.

SEC. 3. *Be it further enacted*, That if any person shall sell, give or deliver any spirituous liquor, or any liquor or mixed liquor, the nature of which is intoxicating, to any proprietor or member aforesaid, without a permit first obtained in writing, either from said Overseers, or from some suitable agent of their appointment, or some respectable physician, who is employed to take care of the sick of the said proprietors, and agreeably to such permit, every person, offending in such case, and being thereof convicted before any Court, having competent jurisdiction of such offences, shall pay a fine not more than fifty dollars, according to the nature and aggravation of the offence. And it shall be the duty of the Overseers to give information to the proper officers for prosecuting such offences.

Drunkards, &c.
may be bound
out.

SEC. 4. *Be it further enacted*, That the said Overseers shall have the power to bind out to service, for any length of time not exceeding three years, any proprietor or member aforesaid, who, in the judgment of said Overseers, has become an habitual drunkard and idler; and the earnings of such person, in such service, to receive and apply to his or her maintenance and support, or to the support of his or her family, or to the support of the said proprietors generally, as the Overseers, in their discretion, may think proper.

Proprietors
may sell prop-
erty.

SEC. 5. *Be it further enacted*, That all real estate acquired by the industry of the proprietors and members aforesaid, and purchased by them, shall be the sole and separate property and estate of such propri-

etor or member, so acquiring and purchasing the same, and may be by him or her enjoyed, sold, alienated and disposed of, by deed, will or otherwise.

SEC. 6. *Be it further enacted*, That if any proprietor or member of either of the tribes aforesaid, or any other person, shall cut, fell or destroy, or take away, any wood, timber or other property, standing, growing or being on any of the lands belonging to the said proprietors or members of the said tribes, not set off and assigned in manner provided by law, or cause the same to be done; or if any person, not a proprietor or member of either of the said tribes, shall cut, fell, destroy or take away any wood, timber or other property, standing, growing or being on any of the lands of either of the said tribes, which has been or hereafter may be set off and assigned in manner provided by law, or cause the same to be done, without first having a permit from said Overseers, or a majority of them, so to do; or shall commit any other trespass on the lands of the said proprietors, of the said several tribes, he, she or they, on conviction of any such offence, before any Court of competent jurisdiction, shall pay a fine not exceeding two hundred dollars, or be imprisoned for a term not exceeding two years, according to the nature and aggravation of the offence, at the discretion of the Court, before whom such conviction may be had; and such offender shall be further liable in an action of trespass, in the name of the Overseers, for the damage thus sustained. And no inhabitant or member of either of the said tribes, nor any person concerned in the government thereof, shall be disqualified from being a witness, in any such prosecution or action, on account of his or her interest or office in or concerning the said several tribes, and their estate and property. And all permits, which may be given to any person or persons, shall be in writing, and subscribed by two at least of the said Overseers, and express particularly the quantity of wood or timber to be cut or taken, and at what times, and for what purposes; and shall be recorded at length in the record of their proceedings, before any wood or timber shall be cut or taken away by virtue thereof; otherwise such permit shall be void.

Trespassers
to be fined.

SEC. 7. *Be it further enacted*, That all the accounts

Accounts au-
dited.

of the said Overseers, with the several tribes aforesaid, shall be kept distinct from each other, and shall be annually examined, audited and adjusted, by the Court of Common Pleas for the County of Barnstable, and a copy thereof, and of the adjustment, shall be transmitted by the said Overseers to the Governor and Council, on or before the last day of December annually.

Survivorship.

SEC. 8. *Be it further enacted*, That any action, which is or may be commenced in the name of the said Overseers, in their said capacity, may be prosecuted to final judgment and execution in the name or names of the survivors or survivor of them, notwithstanding the death of any one or more of them, during the pendency of such action.

Distribution of
Fines.

SEC. 9. *Be it further enacted*, That all fines and forfeitures, incurred by a breach of this act, may be recovered by indictment, before any Circuit Court of Common Pleas, or Supreme Judicial Court, which may be holden within and for the County of Barnstable; one moiety thereof to the use of the person who shall give information of such breach to said Overseers, and the other moiety thereof to the use of the Commonwealth.

SEC. 10. *Be it further enacted*, That all acts and parts of acts, inconsistent with the provisions of this act, be, and the same are hereby repealed.

[Approved by the Governor, February 18, 1819.]

CHAP. CVI.

An Act to regulate the Fishery in Taunton Great River.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, it shall not be lawful for any person or persons, (except as is hereinafter provided)

to catch shad and alewives with seines or nets, in Taunton Great River, from the first day of April, to the twentieth day of May, in each year: *Provided*, that it shall and may be lawful for the inhabitants of the several towns, situated on said river, to catch shad and alewives with seines or nets, in said river, with nine seines or nets only, in the manner following. to wit: that the towns of Raynham, Berkley, Wellington, Dighton, Freetown, Somerset, and Troy, shall each have the right of disposing, at public auction, for their own benefit, of the privilege of catching shad and alewives, with one seine or net only; and that the town of Taunton shall have the right of disposing, at public auction, for their own benefit, of the privilege of catching shad and alewives, with two seines or nets only, in the river aforesaid, for the time aforesaid; and that the purchaser or purchasers of the privileges which shall be located in the towns of Raynham and Taunton, shall not have a right to sweep with a seine or net, more than fifteen rods in length, and but three days in each week, beginning at four o'clock, on Monday morning, and ending at four o'clock, on Thursday morning; that the purchaser or purchasers of the privileges, which shall be located in either of the towns of Wellington or Berkley, shall have a right to sweep with a seine or net, twenty rods in length, and no more, four days in each week, beginning at four o'clock, on Monday morning, and ending at four o'clock, on Friday morning; and that the purchaser or purchasers of the privileges, which shall be located in the town of Dighton, shall have a right to sweep with a seine or net, thirty rods in length, and no more, five days in each week, beginning at four o'clock, on Monday morning, and ending at four o'clock, on Saturday morning; and that the purchaser or purchasers of the privileges which shall be located in either of the towns of Somerset, Freetown, or Troy, shall have a right to sweep with a seine or net, forty rods in length, and no more, five days in each week, beginning at four o'clock, on Monday morning, and ending at four o'clock, on Saturday morning; and *provided, also*, that no person shall be permitted to set any seine or net, across

Regulations of fishery.

Sale of privileges.

Manner of fishing.

Provisos.

said river, or any part thereof, (except in Broad Cove, so called, in the town of Somerset,) or to erect or put up any weare, in said river, or any part thereof; *and provided, also*, that each of said towns shall, at a legal meeting, annually, on or before the first Monday in March, dispose of and make sale, at public auction, for that year, and so on, from year to year, of their privilege or privileges of catching shad and alewives, with seines or nets, in the river aforesaid, for the time aforesaid, to such person or persons as shall offer the most for the same, and give sufficient security for the payment of the purchase money, at such time, and in such manner, as the respective towns shall order; and that such person or persons, so purchasing the privileges, to have the right to catch shad and alewives, in the river aforesaid, for the time aforesaid, and no other persons; and that the purchasers of the privilege aforesaid, shall select the place where he or they intend to use a seine or net, for the purpose of catching shad and alewives, on or before the first day of April, in each year, and shall file a certificate thereof, with the Clerk of the town, within whose limits he has determined to exercise his or their privilege of fishing with seines or nets, for the purpose of catching shad and alewives, as aforesaid; and shall have no right to make use of a seine or net, for the purpose aforesaid, at any other place in said river, during the time aforesaid; and that no purchaser of a privilege, as aforesaid, shall sweep with a seine or net, more than forty rods, on the bank of said river, and that two seines shall, in no case, be allowed to be swept within the same limits, on the same side of said river.

Rights of purchasers.

SEC. 2. *Be it further enacted*, That if any person or persons shall draw or sweep with any seine or net, on any day or time, other than as before expressed, or at any other place than those located and selected, as aforesaid; or shall, on any day, or at any place, set a seine or net, in or across said river, or any part thereof, or in any waters connected with the same, (Broad Cove, aforesaid, excepted,) or shall erect any weare, with the intention to catch or destroy any of the fish, called shad and alewives, within the

Location.

time limited in the first section of this act, he shall forfeit and pay twenty dollars for each and every such offence, to be recovered by indictment or information, or by action of debt, in any Court proper to try the same, to the use of him or them who shall prosecute or sue for the same, by action of debt; otherwise to the use of the county within which the offence shall be committed. Fines.

SEC. 3. *Be it further enacted,* That if any person or persons shall be found sweeping with any seine or net, or if any seine or net shall be used, by any person, contrary to the true intent and meaning of this act, it shall and may be lawful for any person or persons to seize and take such seine or net, to his or their own use; and if prosecuted therefor, to plead the general issue, and give this act in evidence, as though the same had been specially pleaded. Seizures.

SEC. 4. *Be it further enacted,* That the several towns aforesaid, shall, at their annual meetings, in the month of March or April, choose by ballot, three or more suitable persons, being freeholders within said town, as Fish Wardens, whose duty it shall be, jointly and severally, to see that this act be carried into effect, and to inform against, or prosecute any person or persons, that shall offend against the same; and to measure seines and nets used in catching said fish; and such persons chosen Fish Wardens, as aforesaid, shall be sworn to the faithful discharge of the duties of said office; and when so sworn, they shall have power to pursue, and they are hereby authorized to pursue and execute the duties of their office, in any place within the towns aforesaid; and if any person, chosen Fish Warden, as aforesaid, shall refuse or neglect to be sworn as aforesaid, for the space of five days after he shall be duly notified of his election to said office, he shall forfeit and pay a fine of ten dollars, to the use of such town, to be recovered by action of debt, by the Treasurer thereof; and such town shall proceed to a new choice, and so on, as often as circumstances may require. And if any of the towns aforesaid, shall neglect to choose Fish Wardens, as aforesaid, agreeably to the true intent and meaning of this act, such town shall forfeit and Wardens
Penalties.

pay a fine of one hundred dollars, for the use of him or them who shall prosecute therefor.

SEC. 5. *Be it further enacted.* That all laws heretofore made, for the regulation of the fishery in Taunton Great River, except so far as respects the town of Middleborough, be, and the same hereby are repealed; *provided, however,* that any prosecutions which have been, or may be commenced, for the recovery of any forfeitures, incurred by virtue of the laws hereby repealed, may be prosecuted to final judgment, in the same way and manner, as if this act had not been passed; *and, provided, also,* that all contracts made prior to the passing of this act, by any of the towns aforesaid, respecting the shad and alewife fishery in said river, by virtue and in pursuance of the laws hereby repealed, shall be valid, to all intents and purposes, this act to the contrary notwithstanding.

[Approved by the Governor, February 18, 1819.]

CHAP. CVII.

An Act in addition to an act, authorizing a Lottery, for the purpose of rebuilding Springfield Bridge.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Managers of Springfield Bridge Lottery be, and they are hereby authorized to prosecute the drawing of said lottery, under the provisions and restrictions of the act regulating the management and drawing of lotteries, in certain cases, within this Commonwealth, until they shall have raised the sum authorized by the act, passed on the thirteenth day of June, in the year of our Lord one thousand eight hundred and fifteen, entitled "An act authorizing a lottery, for the purpose of rebuilding Springfield Bridge."

SEC. 2. *Be it further enacted,* That after the said Managers shall have completed the grant, authorized

by the act to which this is in addition, they are hereby authorized to draw one class, by which they may raise, for the benefit of said corporation, a sum not exceeding ten thousand dollars; *provided*, that said corporation shall give bond to the Commonwealth, in the sum of ten thousand dollars, conditioned to rebuild said bridge within one year from the first day of June next.

Conditional
privileges.

SEC. 3. *Be it further enacted*, That this act shall continue and be in force for the term of two years, from and after the thirteenth day of June next, and no longer.

Limitation.

[Approved by the Governor, February 18, 1849.]

CHAP. CVIII.

An Act to incorporate the Kennebec Fire and Marine Insurance Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Ebenezer T. Warren, Ariel Mann, Gideon Farrell, Jesse Robinson, Ebenezer White, Hiram A. Bement, Benjamin Wales, Thomas Agry, Thomas B. Coolidge, Nathan Bachelder, Joseph Chandler, Benjamin Dearborn, Reuel Williams, Robert Howard, Benjamin Whitwell, and William H. Page, with their associates, successors and assigns, be, and they hereby are incorporated into a company and body politic, by the name of the Kennebec Fire and Marine Insurance Company, with the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled "An act to define the powers, duties and restrictions of Insurance Companies," passed on the fifteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, for and during the term of twenty years after the passing of this act;

Persons incor-
porated.

General pow-
ers.

and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution; and have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said company; *provided*, they shall not hold real estate exceeding the value of twenty thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said company.

Proviso.

SEC. 2. *Be it further enacted*, That the capital stock of said company, exclusive of premium notes and profits arising from business, shall be one hundred thousand dollars, divided into shares of one hundred dollars each, fifty per centum of which, shall be paid in money, by each and every subscriber, on the amount of his subscription, within sixty days after the first meeting of the stockholders; and the residue thereof, within one year after said first meeting, in such instalments, and under such penalties, as the President and Directors shall, in their discretion, direct and appoint.

Capital Stock.

SEC. 3. *Be it further enacted*, That the property, stock and affairs of the said company, shall be managed and conducted by seven Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others are chosen, and no longer, and who shall, at the time of their election, be stockholders, and citizens of this Commonwealth; and shall be elected on the first Tuesday of October, in each and every year, at such time of the day, and in such place in the town of Hallowell, as a majority of the Directors, for the time being, shall appoint; of which election, public notice shall be given, in one or more of the newspapers, printed in the town of Hallowell, ten days at least preceding such election; and the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote for each share in the capital stock; *provided*, that no stockholder shall be allowed more than ten votes; and the stockholders, not present, may vote by proxy, under such regulations as the company may prescribe.

Directors.

Annual election of Directors.

Proviso.

SEC. 4. *Be it further enacted*, That the Directors, when chosen, shall meet as soon as may be, after every election, and shall choose out of their body, one person to be President, who shall be sworn faithfully to discharge the duties of his office, and who shall preside for one year. Officers to be chosen.

SEC. 5. *Be it further enacted*, That the President, with three of the Directors, or four of the Directors, in the absence of the President, (one of which shall be chosen President, pro tem,) shall be a Board, competent for the transaction of business; and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said company, and the transfer of the shares, and touching the duties and conduct of the several Officers, Clerks, and Servants employed, and the election of Directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint a Secretary, with such salary and allowance to him, and the President, as to the said Board shall seem meet; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth. Rules and regulations.

SEC. 6. *Be it further enacted*, That any seven or more persons, named in this act of incorporation, are hereby authorized to call a meeting of the said company, as soon as may be, in Hallowell, by advertising the same for three weeks, in one of the newspapers printed in Hallowell, for the purpose of electing a first Board of Directors, who shall continue in office, until the first Monday in October, then ensuing. First meeting.

[Approved by the Governor, February 19, 1819.]

CHAP. CIX.

An Act to prevent the destruction of the Fish, called Tom Cod and Smelts, in Charles River, and to regulate the manner of taking the same.

Penalties.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, if any person or persons shall place or set any seine or net, or set up, erect, or place any obstruction or incumbrance, whatsoever, (mill dams excepted) in or across Charles River, whereby the free passing of the fish up and down said river shall be straitened, obstructed or stopped, they shall severally forfeit and pay the sum of fifty dollars, for each and every offence; one half of which, shall be to the use of him or them that shall prosecute or sue therefor, and the other half to the use of the town or towns, within whose limits the offence is committed; or any town may sue in the name of its inhabitants, and in that case, the whole penalty shall be to the use of the town thus suing.

Regulation of fishery.

SEC. 2. *Be it further enacted,* That if any person or persons, shall draw or use any seine or net, of a greater length than fifty feet, or shall make use of more than one net or seine, at the same time, to take any of the fish, called tom cod and smelts, within said river, or shall draw any such seine or net, on any other of the days of the week than Monday, Wednesday and Friday, they shall severally forfeit and pay the sum of forty dollars, for each and every offence, to the use as aforesaid; and all other forfeitures, incurred by any breach of this act, may be recovered by an action on the case, before any Court proper to try the same: *Provided*, that nothing contained in this act, shall be construed to subject any person or persons, to any of the penalties aforesaid, by reason of their happening to take any of the said fish, called tom cod and smelts, when they shall rightfully draw or

use a seine or net, the meshes of which are not less than one inch square. for the purpose of taking shad and alewives, in the usual and proper season of taking those fish.

[Approved by the Governor, February 19, 1819.]

CHAP. CX.

An Act in addition to an act, entitled “ An act against Forgery and Counterfeiting.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That hereafter, in all prosecutions for forgery, or counterfeiting any bank bills, or promissory notes, of any of the banks mentioned and described in the second, third and fourth sections of the act, entitled “ An act against forgery and counterfeiting ;” or for uttering, publishing, or tendering in payment, as true, any such forged or counterfeit bills or notes, or for having the possession of any such forged or counterfeit bills or notes, with intent to pass the same, the testimony of the President or Cashier of such banks may be dispensed with, if the place of residence of such President or Cashier shall exceed the distance of forty miles from the place of trial ; but in all such cases, it shall be lawful to admit the testimony of any witness, acquainted with the signature of the officers of said banks, or who may have knowledge of the difference between the true and the counterfeit bills, or notes of said banks, to prove that such bills or notes are counterfeit ; any law or practice to the contrary notwithstanding.

Testimony
particularized.

[Approved by the Governor, February 19, 1819.]

CHAP. CXI.

An Act to incorporate the Boston Fire Insurance Company.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Nathaniel Goddard, Josiah Marshall, William Ray, William B. Swett, and Joseph Balch, their associates, successors and assigns, be, and they hereby are incorporated into a company and body politic, by the name of the Boston Fire Insurance Company, for and during the term of twenty years after the passing of this act; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and have a common seal, which they may alter at pleasure; and may purchase, hold, and convey any estate, real or personal, for the use of said company; *provided*, they shall not hold real estate, exceeding the value of ten thousand dollars, excepting such as may be taken for debt, or held as collateral security for debts, due to said company.

Persons incor-
porated.General pow-
ers.

Proviso.

Capital Stock.

SEC. 2. *Be it further enacted,* That the capital stock of said company, shall be one hundred and fifty thousand dollars, divided into three thousand shares, of fifty dollars each, fifty per centum of which shall be paid within sixty days after the first meeting of said company, and the residue in such instalments, and under such penalties, as the President and Directors shall, in their discretion, direct and appoint.

Directors.

Annual elec-
tion of officers.

SEC. 3. *Be it further enacted,* That the stock, property, affairs and concerns of said company, shall be managed and conducted by thirteen Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others are chosen, and no longer; and shall, at the time of their election, be stockholders of said company, and citizens of this Commonwealth, and shall be elected annually, on the second Tuesday of January, at such time of the day, and in such place, in the town of Boston, as a major-

ity of the Directors, for the time being, shall appoint ; of which election, public notice shall be given, in at least two of the newspapers, printed in said town, for the space of ten days immediately preceding such election. And the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock ; *provided*, no stockholder shall be allowed more than ten votes ; Votes. and the stockholders, not present, may vote by proxy, under such regulations as the company shall prescribe ; and if, through any accident, the Directors should not be chosen as aforesaid, it shall be lawful to choose them in manner aforesaid, on any other day.

SEC. 4. *Be it further enacted*, That the Directors so chosen, shall meet as soon as may be, after every election, and shall choose, out of their number, one person to be President, who shall be sworn faithfully to discharge the duties of his office, during the period for which he is elected ; and in case of the death, resignation, or inability to serve, of the President, or any Director, such vacancy or vacancies shall be filled, for the remainder of the year in which they happen, by a special election, to be notified and held as is herein before directed, in the case of annual elections. Vacancies to be filled.

SEC. 5. *Be it further enacted*, That the President and six of the Directors, or seven of the Directors, in the absence of the President, shall be a Board, competent for the transaction of business ; and all questions before them shall be decided by a majority of votes ; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, in respect to the management and disposition of the stock and property of said company, and the transfer of shares therein ; and the powers, duties and conduct of the several Officers, Clerks and Servants, employed in the service of the company, and the election of Directors, and the making of policies, and all such matters as appertain to the business of insurance ; *provided*, Officers and their duties. Proviso. such by-laws, rules and regulations, be not repugnant to the laws or constitution of the United States, or this Commonwealth. And they shall also have power

Compensation
to officers.

to appoint a Treasurer, Secretary, and so many Clerks and Servants, as shall be needful, with such compensation to them severally, and to the President, as to them shall seem fit ; and they shall also have power and authority, in behalf of said company, to make insurance on any property or buildings within this Commonwealth, against damage to the same by fire, originating in any cause, except design in the assured, for such time, and on such conditions, as the parties may agree ; *provided*, that the said company shall not insure, on any one risk, more than ten per centum on the amount of the capital stock paid in ; and all policies of insurance, by them made, shall be subscribed by the President, or two of the Directors, and countersigned by the Secretary, and shall be binding and obligatory upon the said company, and have the like effect and force, as if under the seal of said company ; and all losses, duly arising under policies so subscribed, may be adjusted and settled by the President and Board of Directors, or such agent as they shall authorize ; and such adjustment shall be binding on said company.

Amount of
risks.

Shall not trade
in goods

SEC. 6. *Be it further enacted*, That the said company shall not directly nor indirectly deal or trade in buying or selling any goods, wares, merchandize, or commodities whatever, but may, in the discretion of a majority of the Directors, sell any portion of the property in which the capital stock may be invested, and reinvest the proceeds in any of the stock mentioned in the second section of this act ; and the capital stock shall, within six months after the collection thereof, be invested either in the funded debt of the United States, or of this Commonwealth, or in the stock of the bank of the United States, or of some incorporated bank within this Commonwealth, in either or all of them, and in such proportions as may be judged most for the interest of said company.

Statement of
profits.

SEC. 7. *Be it further enacted*, That once in three years, and oftener, if required by a majority of the votes of the stockholders, the Directors shall lay before the stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends. And the said

company shall, when and as often as required by the Legislature of this Commonwealth, lay before the Legislature a statement of the affairs of said company, and submit to an examination concerning the same, under oath.

SEC. 8. *Be it further enacted*, That in case of any loss or losses taking place, which shall be equal to the amount of the capital stock of the said company, and the President or Directors, after knowing of such loss or losses taking place, shall subscribe to any policy of assurance, their estates, jointly and severally shall be accountable for the amount of any and every loss which shall take place, under policies thus subscribed; and the said President and Directors shall cause to be printed or written, on every policy they shall make, the amount of the capital stock, and the largest sum they take on a risk. Personal accountability of proprietors.

SEC. 9. *Be it further enacted*, That it shall be the duty of the Directors, on the third Tuesday of April and October, in every year, to make dividends of so much of the interest arising from the capital stock, and of the profits of the said company, as to them shall appear adviseable; but the monies received, and notes taken for premiums of risks, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as parts of the profits of said company; and in case of any loss, whereby the capital stock shall be lessened, no subsequent dividend shall be made, until a sum equal to such diminution shall have been added to the capital. Dividends.

SEC. 10. *Be it further enacted*, That any three of the persons named in the first section of this act, are hereby authorized to call a meeting of the said company, in Boston, by advertising the same, for one week, in two of the papers printed in said town, for the purpose of electing the first Board of Directors, who shall hold their offices until another Board shall be chosen. First meeting.

[Approved by the Governor, February 19, 1819.]

CHAP. CXII.

An Act in addition to the acts concerning the sale of Real Estate, by Administrators, Executors, and Guardians.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this act, the Justices of the Supreme Judicial Court be, and they are hereby authorized and empowered to grant licence to, and authorize Guardians of persons given to excessive drinking, idleness, gaming, or debauchery, to sell and convey the whole, or so much of the real estate of such persons, as shall be most for their interest and benefit, when, by a partial sale thereof, the remainder would be greatly injured, in the same way and manner, and under the same restrictions, as they are now authorized to grant licence to Administrators, Executors and Guardians of minors, and persons *non compos mentis*, to sell real estate, in such cases: *Provided, however,* that no such licence shall be granted, unless the certificate of the Overseers of the Poor, now by law required to be produced, shall also contain their consent and approbation of such sale, and their opinion, that by a partial sale of the real estate, the remainder thereof would be greatly injured.

Powers of
Guardians.

Proviso.

Probate bonds.

SEC. 2. *Be it further enacted,* That the bond, required by law, to be given to the Judge of Probate, by Administrators and Guardians, previous to the sale of real estate, shall and may be given to the Judge of Probate for the county in which the real estate is situated, in all cases, where the deceased person to whom such estate belonged, was not an inhabitant within this Commonwealth, at the time of his decease.

SEC. 3. *Be it further enacted,* That the Courts of Common Law, and the Judges of Probate of the respective counties, shall have the same power and authority to licence and empower Executors and Ad-

Powers to li-
cence.

ministrators to make sale of the real testators and intestates, for the paymes of administration, as they now ha. relation to the payment of debts and legacies.

[Approved by the Governor, February 19, 1819.]

CHAP. CXIII.

An Act in addition to an act, entitled "An act regulating the practice of Physic and Surgery."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That* no person entering the practice of physic and surgery, after the first day of July next, shall be entitled to the benefit of law, ^{Licences.} for the recovery of any debt or fee accruing for his professional services, unless he shall, previously to rendering those services, have been licenced by the Officers of the Massachusetts Medical Society, hereafter to be designated in this act, or shall have been graduated a Doctor in Medicine in Harvard University.

SEC. 2. *Be it further enacted, That* it shall be the duty of the Counsellors of the Massachusetts Medical Society, at their first meeting in every year, after the annual meeting of said society, to appoint twenty-five ^{Medical Censors.} Examiners, or Censors, from among the Fellows of said society, viz. : five in each of the districts of this Commonwealth, to be hereafter described ; the five in each of said districts respectively, or a majority of them, to constitute a separate Board of Examiners, or Censors ; and the Censors of each of these Boards, shall have the same power, and be subject to the same penalties, as are already given and imposed by the laws of this Commonwealth, to and upon the Censors of the said society. And when any person, who has been educated to the practice of physic or surgery, out of this Commonwealth, and who has come into

this Commonwealth to pursue the practice of the same, shall present himself to either of the Board of Censors, described in this act, as a candidate for examination, the said Censors may examine any documents which such candidate may offer; and if they are satisfied by the same, that such candidate has received an education, agreeably to the regulations which have been or may be provided by said society, and has been duly examined and approved by some competent authority, they may thereupon licence such candidate to practice physic or surgery, or both, as the case may be, without subjecting him to a new examination.

Medical Dis-
tricts.

SEC. 3. *Be it further enacted*, That for the purpose expressed in the second section of this act, the Commonwealth shall be divided into five districts, to be entitled the First, Second, Third, Fourth and Fifth Medical District, respectively, viz.: the First Medical District to include the Counties of Suffolk, Essex, Middlesex, Norfolk, Bristol, Plymouth, Barnstable, Dukes' County, and Nantucket: the Second Medical District to include the County of Worcester: the Third Medical District to include the Counties of Franklin, Hampden and Hampshire: the Fourth Medical District to include the County of Berkshire: the Fifth Medical District to include all the Counties in the District of Maine. The meetings of the Censors shall be held in these districts respectively, in such places, and at such stated periods, as the Counsellors of the Massachusetts Medical Society may direct; and the said Counsellors shall be authorized to make new districts, and appoint new Censors, whenever the public good may appear to require it.

Laws repealed.

SEC. 4. *Be it further enacted*, That all matters and clauses contained in the act, entitled "An act regulating the practice of physic and surgery," which are contrary to the provisions of this act, shall be, and they hereby are repealed.

[Approved by the Governor, February 19, 1819.]

CHAP. CXIV.

An Act for the encouragement of Agriculture and Manufactures.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That every incorporated agricultural society within this Commonwealth, which shall have raised by subscription of individuals, or which may hereafter raise by such subscription, and put out to interest, on public or private security, the sum of one thousand dollars, as a capital stock, appropriated for the uses of said society, shall be entitled to receive, in the month of October, annually, out of the Treasury of this Commonwealth, the sum of two hundred dollars; and also a proportionable sum, annually, for any greater sum which they should so subscribe and put out to interest, as a capital stock: *Provided*, Rate of State bounty. *always*, that no agricultural society shall receive, by virtue of this act, within one year, any greater sum than six hundred dollars. Proviso.

SEC. 2. *Be it further enacted*, That any agricultural society, formed within any county or counties in this Commonwealth, in which no incorporated society at present exists, which shall hereafter be formed, and which shall raise, put out to interest, and appropriate a capital stock, not less than one thousand dollars, for the uses of said society, shall be entitled to receive, on application to this Legislature, an act of incorporation, in usual form, and with customary rights and powers; and also be entitled to take advantage of the privileges hereby secured to the other agricultural societies, on complying with the terms and provisions of this act: *Provided, always*, that no agricultural society, hereafter formed as aforesaid, shall be entitled to the benefits of this act, unless the same be formed in a county, or in an association of counties, including a population of thirty thousand inhabitants. Privilege of incorporation rights.

SEC. 3. *Be it further enacted*, That for the purpose of availing themselves of the advantages of this act, it shall be the duty of every agricultural society, in the month of October, annually, to file in the Secre- Duties of society,

tary's Office of this Commonwealth, a certificate, signed by the President and Treasurer of such society, specifying, under oath, the sum actually subscribed, put out to interest, and appropriated as a capital stock, conformably to the provisions of this act; and the Governor of the Commonwealth is hereby authorized, upon the filing of such certificate, to issue his warrant upon the Treasurer thereof, for the sum to which such agricultural society shall thereupon be entitled, under this act.

Premiums to
be allowed.

SEC. 4. *Be it further enacted*, That it shall be the duty of every incorporated agricultural society, which shall avail themselves of the benefit of this act, to annually offer, by way of premiums, or apply otherwise, at their discretion, for the encouragement or improvement of agriculture or manufactures, a sum equal to the sum annually received out of the Treasury of the Commonwealth, by virtue of this act, and also shall transmit to the Secretary's Office of this Commonwealth, in the month of January, annually, an official statement of their proceedings, in relation to the expenditure of such monies, specifying the nature and objects for which such premiums have been offered, and such encouragement applied, and to whom they were awarded; and accompanying the same with such general observations concerning the state of agriculture and manufactures in the Commonwealth, as they may deem important or useful. And all surplusses of monies, arising from premiums offered, and not obtained, or paid, shall be put out to interest, and added to the capital stock of each agricultural society.

Forest trees.

SEC. 5. *Be it further enacted*, That it shall be the duty of every incorporated agricultural society, to offer annually, such premiums and encouragement, for the raising and preserving oaks, and other forest trees, in such manner, and on such terms, as to their discretion shall seem best adapted to increase and perpetuate an adequate supply of ship timber, within this Commonwealth.

SEC. 6. *Be it further enacted*, That nothing in this act shall be considered to extend to any agricultural society, which has been, or which hereafter may be incorporated in any town, or for any circle of territory less than a county.

SEC. 7. *Be it further enacted*, That this act shall continue in force for five years, and no longer.

[Approved by the Governor, February 20, 1819.]

CHAP. CXV.

An Act in addition to the several acts now in force, directing the manner of levying Executions on Real Estate.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That whenever a creditor in execution, shall think proper to extend and levy the same on any saw mill, grist mill, or other millfactory, mill privilege, or other real estate, which cannot be divided without prejudice to, or spoiling the whole, and where the whole of such saw mill, grist mill, or other mill, factory, or mill privilege, or other real estate, is not necessary for the satisfying of such execution, the same may be extended and levied in manner prescribed by law, upon the same, or upon any undivided part thereof, which shall be sufficient to satisfy such execution; and in case the estate is so situated that the same cannot be set off by metes and bounds, the return upon the execution shall describe the whole estate, with as much precision as the nature of the case will admit; which execution being returned and recorded, in manner prescribed by law, shall vest in such creditor in execution, as good and valid a title thereto as the debtor had therein, when the same was attached on *mesne process*, or taken in execution: *Provided however*, that the debtor in execution shall have the same right to redeem the same, in the same time and manner which judgment debtors in execution have a right to redeem real estate, set off on execution.

Executions,
how to be
levied.

SEC. 2. *Be it further enacted*, That the estate, right, title, or interest of any person, owned, holden,

or claimed in virtue of a possession, or improvement, as expressed in "An act for the limitation of certain real actions, and for the equitable settlement of certain claims arising in real actions;" and in an act additional thereto, shall be liable to be taken by attachment, on

Mesne process. mesne process, and by execution: And, when any such right, title, interest, or estate shall be seized, and sold upon execution, such notice shall be given, and such proceedings had, in every respect, as are required by law, in the sale of an equity of redemption; and the debtor, whose right, title, interest, or estate, is so taken and sold, shall have the right of redeeming the same, within such time, and in such manner, as is provided in cases of sales of equity of redemption.

Right of redemption.

[Approved by the Governor, February 20, 1819.]

CHAP. CXVI.

An Act in further extension of "An act for promoting the Sale and Settlement of the Public Lands, in the District of Maine."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the act, entitled* "An act for promoting the sale and settlement of the public lands, in the District of Maine," *be, and the same is hereby declared to be in force, for and during the term of one year, from and after the end of the first session of the next General Court; any thing in the act first named to the contrary notwithstanding.*

Law continued.

[Approved by the Governor, February 20, 1819.]

CHAP. CXVII.

An Act to provide an Annual Salary for the Quarter Master General, and for adjusting and settling his accounts.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the first day of March next, the annual salary of the Quarter Master General be twelve hundred dollars, payable quarter yearly. Salary.

SEC. 2. *Be it further enacted,* That it shall be the duty of the Quarter Master General, annually, in the month of January, to lay before the Governor and Council for adjustment, the account of all expenditures of money in his department, with vouchers to support the same; and such accounts shall be settled by the Governor and Council. And in the adjustment of the accounts now unsettled, the Quarter Master General shall be allowed at the rate of fifteen hundred dollars per annum, till the first day of March next. Annual exhibition of accounts.

[Approved by the Governor, February 20, 1819.]

CHAP. CXVIII.

An Act to authorize the laying out a Road, and building a Bridge, over Presumpscot River, at Staples' Point, in the town of Falmouth.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Court of Sessions for the County of Cumberland be, and hereby are authorized and empowered to lay out a public highway across Presumpscot River, at Staples' Point, Highway.

so called, in the town of Falmouth; *provided*, the said Court, after a full hearing, should be of the opinion that the public good requires it, in the same way and manner, as though said Presumpscot River were not navigable.

New Bridge.

SEC. 2. *Be it further enacted*, That the Court of Sessions be, and they hereby are authorized and empowered to discontinue the support now afforded to the bridge across said Presumpscot River, and appropriate the same, or as much as they may deem necessary for the building and supporting a bridge across said River, at Staples' Point, so called, in the town of Falmouth; *provided*, they may adjudge the same to be for the public good, any law to the contrary notwithstanding.

Dimensions of bridge.

SEC. 3. *Be it further enacted*, That if the said Court shall lay out said road, and cause said bridge to be built, said bridge shall not be made of a less width than twenty-five feet, with a suitable draw, for the passage of vessels through the same.

[Approved by the Governor, February 20, 1819.]

CHAP. CXIX.

An Act to incorporate the Hancock Fire and Marine Insurance Company.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Otis Little, William Abbot, Leonard Jarvis, Bradshaw Hall, James Crawford, Jeduthun Upton, Thomas Adams, William Witherle, John Head Jarvis, Joseph Bryant, Rufus Holbrook, John Brooks, Josiah Hook, Junior, and Samuel Upton, with their associates, successors and assigns, be, and they hereby are incorporated into a company, and body politic, by the name of the Hancock Fire and Marine Insurance Company; with the powers and privileges granted to insurance companies,

and subject to all the restrictions, duties, and obligations, contained in a law of this Commonwealth, entitled "An act to define the powers, duties and restrictions of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen; also with power and authority to make insurance on any mansion house, or other building, and on the goods and property therein contained, within this Commonwealth, against damage arising to the same by fire; and to fix the premiums and terms of payment, for and during the term of twenty years after the passing of this act; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said company; *provided*, they shall not hold real estate, exceeding the value of twenty thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said company.

General powers.

Premiums.

May hold real estate.

SEC. 2. *Be it further enacted*, That the capital stock of said company, exclusive of premium notes and profits arising from business, shall not be less than one hundred thousand dollars, nor more than two hundred thousand dollars, and shall be divided into shares of one hundred dollars each; fifty per centum of which shall be paid in money, by each and every subscriber, on the amount of his subscription, within sixty days after the first meeting of said company; and the residue shall be secured by a deposit of stock of the United States, or of this Commonwealth, or of some bank within this Commonwealth, calculating the same at the market value of such stock; but in no case to exceed the cost or par value of the same, as may be approved by a majority of the Directors, chosen by the stockholders, and be paid in such sum or sums, at such time or times, and under such penalties, as said Directors shall, in their discretion, direct and appoint.

Capital Stock.

SEC. 3. *Be it further enacted*, That the stock, property, affairs and concerns of the said company,

Directors.

shall be managed and conducted by seven Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others are chosen, and no longer; and who shall, at the time of their election, be stockholders, and citizens of this Commonwealth; and shall be elected on the first Monday of October annually, at such time of the day, and in such place, in the town of Castine, as a majority of the Directors for the time being, shall appoint; of which election, public notice shall be given, by advertising at two of the most public places in the town of Castine, aforesaid, for the space of ten days immediately preceding such election. And the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock; *provided*, that no stockholder shall be allowed more than ten votes; and the stockholders not present, may vote by proxy, under such regulations as the company shall prescribe; and if, through unavoidable accident, the said Directors should not be chosen on the first Monday of October, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed.

Annual election of Directors.

Limitation of votes.

Vacancies to be filled up.

SEC. 4. *Be it further enacted*, That the Directors, when chosen, shall meet as soon as may be, after every election, and shall choose out of their body one person to be President, who shall be sworn faithfully to discharge the duties of his office, and who shall preside for one year; and in case of the death, resignation, or inability to serve, of the President or any Director, such vacancy or vacancies shall be filled for the remainder of the year in which they happen, by a special election for that purpose, to be held in the same manner as herein before directed, respecting annual elections of Directors.

Corporation Board.

SEC. 5. *Be it further enacted*, That the President and three of the Directors, or four of the Directors in absence of the President, shall be a Board, competent for the transaction of business; and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and

disposition of the stock, property, estate and effects of said company, and the transfer of shares, and touching the duties and conduct of the several Officers, Clerks, and Servants employed. and the election of Directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint a Secretary, and so many Clerks and Servants for carrying on the said business, with such salaries and allowances to them and to the President as to the said Board shall seem meet; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

Compensation
to officers.

SEC. 6. *Be it further enacted*, That any two or more persons, named in this act of incorporation, are hereby authorized to call a meeting of said company, as soon as may be, in Castine, by advertising the same in two of the most public places in said town, for ten days at least previous to said meeting, for the purpose of electing a first Board of Directors, who shall continue in office until the first Monday in October, which shall be in the year of our Lord one thousand eight hundred and nineteen.

First meeting.

[Approved by the Governor, February 20, 1819.]

CHAP. CXX.

An Act to establish Courts of Sessions.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the first day of June next, an act, entitled “An act to transfer the powers and duties of the Courts of Sessions to the Circuit Court of Common Pleas, and for other purposes,” passed on the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and fourteen, excepting the first section thereof; and all other acts, and parts of acts, in addition thereto, be, and the same are hereby repealed: *Pro-*

Act repealed.

vided, however, that nothing in this act contained, shall be considered as extending to the Counties of Suffolk, Nantucket, and Dukes' County.

Powers of
Courts of Ses-
sions.

SEC. 2. *Be it further enacted*, That from and after the first day of June next, the Court of Sessions, in the several counties in this Commonwealth, shall be holden by one Chief Justice, and two Associate Justices, or any two of them, to be appointed and commissioned by the Governor, with advice and consent of Council, as soon as conveniently may be; who shall have all the powers, rights, and privileges, and be subject to all the duties which are now vested in the Circuit Courts of Common Pleas, relative to the erection and repair of gaols, and other county buildings, the allowance and settlement of county accounts, the estimate, apportionment, and issuing warrants for assessing county taxes, granting licenses, laying out, altering, and discontinuing highways, and appointing committees, and ordering juries for that purpose.

Times of hold-
ing Courts.

SEC. 3. *Be it further enacted*, That the Courts of Sessions shall be holden within and for the several counties in this Commonwealth, at the times and places following, to wit: Within and for the County of Essex, at Ipswich, on the second Tuesday of April, and second Tuesday of October; within and for the County of Middlesex, at Cambridge, on the first Tuesday in January, and at Concord, on the second Tuesday in May, and on the third Tuesday in September; within and for the County of Worcester, at Worcester, on the second Tuesday of March, and on the second Tuesday of September; within and for the County of Hampshire, at Northampton, on the first Tuesday in September, and on the first Tuesday in March; within and for the County of Hampden, at Springfield, on the fourth Tuesday in March, and on the Tuesday next preceding the fourth Monday in August; within and for the County of Franklin, at Greenfield, on the first Tuesday in March, and on the third Tuesday in November; within and for the County of Berkshire, at Lenox, on the last Tuesday in April, and on the last Tuesday in September; within and for the County of Norfolk, at Dedham, on the third Tuesday of April, and on the fourth Tues-

day in September; within and for the County of Plymouth, at Plymouth, on the third Tuesday in March, and on the first Tuesday in August; within and for the County of Bristol, at Taunton, on the fourth Tuesday in March, and on the fourth Tuesday in September; within and for the County of Barnstable, at Barnstable, on the last Tuesday in March, and on the third Tuesday in September; within and for the County of York, at York, on the Tuesday next preceding the third Monday of April, and at Alfred, on the Tuesday next preceding the second Monday in September; within and for the County of Oxford, at Paris, on the third Tuesday of June, and first Tuesday of October; within and for the County of Cumberland, at Portland, on the fourth Tuesday in March, and on the first Tuesday in September; within and for the County of Kennebec, at Augusta, on the last Tuesday in April, and on the first Tuesday in December; within and for the County of Somerset, at Norridgewock, on the second Tuesday in March, and on the second Tuesday in September; within and for the County of Lincoln, at Wiscasset, on the third Tuesday in May, and at Warren, on the third Tuesday in January; within and for the County of Hancock, at Castine, on the Thursday next succeeding the third Tuesday of March, and on the Thursday next succeeding the third Tuesday of November; within and for the County of Washington, at Machias, on the first Tuesday in March, and on the first Tuesday in September; within and for the County of Penobscot, at Bangor, on the first Tuesday in March, and on the first Tuesday in September.

SEC. 4. *Be it further enacted*, That all matters taken for, returnable to, or pending, in the several Circuit Courts of Common Pleas, on the first day of June next, of which the jurisdiction is hereby transferred to the Courts of Sessions, shall be returnable to, have day, be proceeded in, and determined by the respective Courts of Sessions, within and for the same counties, at the term thereof, which shall be holden next after the first day of June next. And the Clerks of the Circuit Courts of Common Pleas, within the

Circuit Courts
to transfer their
business to
Courts of Ses-
sions.

several counties, shall be Clerks of the Court of Sessions.

Salaries.

SEC. 2. *Be it further enacted*, That the Justices of the Courts of Sessions shall receive, for their services, three dollars for each day, during their attendance in said Court, and one dollar for every ten miles travel, to be paid out of the County Treasury.

[Approved by the Governor, February 20, 1819.]

CHAP. CXXI.

An Act in addition to the several acts now in force, respecting Highways.

Assessments for highways.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the several towns in this Commonwealth, having a population of eight hundred inhabitants, at any public, legal meeting of the inhabitants thereof, regularly notified and warned for that purpose, may vote to raise any sum of money, to be laid out for the making and repairing of highways and townways, in said towns respectively, as they may deem necessary; and may, by a vote of said towns respectively, if they see fit, direct the same to be assessed in money on the polls and rateable estate, real and personal, of the inhabitants, residents, and non residents, of their town, as other town charges are by law assessed; and the same to be committed to the Collector of taxes for said town, to be collected and paid, as other town charges are collected and paid, any law to the contrary notwithstanding.

SEC. 2. *Be it further enacted*, That when any person finding himself aggrieved by the doings of a committee in locating a new highway, or common road, from town to town, or place to place, or in estimating damages, has, or shall hereafter, apply to the Court having jurisdiction in this behalf, and the town or corporation has applied, or shall apply, in like manner, and

both applications are, or shall be pending before the same Court, then the same Court may hear and finally determine both applications, by one and the same jury, or committee, and not by two several juries or committees; and the party, whose complaint shall appear to have been without just cause, shall be at all the costs incurred on that occasion, to be taxed against him by the Court; and the verdict of the jury, or the report of the committee agreed upon, being made under their hands and seals to the said Court, shall conclude both parties, with respect to the damages, and also finally fix and determine the place of such road or highway, any law to the contrary notwithstanding.

Differences to
be determined
by one jury.

[Approved by the Governor, February 20, 1819.]

CHAP. CXXII.

An Act to encourage Trade and Navigation within this Commonwealth.

WHEREAS it is of the greatest consequence to this Commonwealth, and to the United States, to promote the increase of the number of ships and vessels, and to prevent any discouragement to merchants and others from being interested and concerned therein: and, whereas it has been held that owners of ships or vessels, are answerable for goods, wares, and merchandize, shipped on board the same, although the said goods, wares, and merchandize, should be embezzled, lost, or destroyed, by the masters or mariners of said ships and vessels, without the knowledge or privity of the owner or owners; by means whereof, merchants and others may be discouraged from adventuring their fortunes, as owners of ships or vessels, which will necessarily tend to the prejudice of the trade and navigation of this Commonwealth: Therefore—

Preamble.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, no person or persons, who is, are, or shall be, owner or owners, in part or in whole, of any ship or vessel, shall be subject or liable to answer for, or make good to any one or more person, or persons, any loss or damage, by reason of any embezzlement, secreting or making way with, by the master or mariners, or any of them, of any goods, wares; or merchandize, or any property whatsoever, which shall be shipped, taken in, or put on board any ship or vessel, or for any act, matter, or thing, damage, or forfeiture done, occasioned, or incurred by the said master or mariners, or any of them, without the privacy or knowledge of such owner or owners, further than the value of the interest which such owner or owners have, or had at the time of such shipment, in the ship or vessel, with all her appurtenances, and the full amount of his interest in the freight due, or to grow due, for and during the voyage wherein such embezzlement, secreting, or making way with, as aforesaid, or other malversation of the master or mariners, shall be made, committed, or done, any law, usage, or custom to the contrary notwithstanding.*

SEC. 2. *Be it further enacted, That if several freighters or proprietors of any such goods, wares, or merchandize, or any property whatever, shall suffer loss or damage, by any of the means aforesaid, in the same voyage, and the value of the ship or vessel, and all her appurtenances, and the amount of the freight due, or to grow due, during such voyage, shall not be sufficient to make compensation to all and every of them, then such freighter or proprietor shall receive satisfaction thereout in average, in proportion to their respective losses and damages; and in every such case, it shall, and may be lawful to, and for such freighters or proprietors, or any of them, in behalf of himself, and all other such freighters and proprietors, or to, or for the owners of such ship or vessel, in behalf of himself, and all the other part owners of such ship or vessel, to exhibit a bill in the Supreme Judicial Court, for a discovery of the total*

Owners of ships not liable for the misconduct of the captain or crew.

Average of losses.

amount of such losses and damages, and also of the value of such ship or vessel, appurtenances and freight, and for an equal distribution and payment thereof, amongst such freighters and proprietors, in proportion to their losses and damages, according to the rules of equity. And the said Supreme Judicial Court is hereby vested with full power and authority to entertain, hear, determine, and decree, in such cases, in the same manner as Courts of Equity would have authority to do: *Provided*, that nothing in this act contained, shall be construed to operate upon, or affect any contracts of affreightment, express or implied, or any shipment of goods, wares, Provisos. and merchandize, or other property, upon any ship or vessel, whose voyage shall have commenced before the passing of this act: *Provided, also*, that this act shall not be construed to extend to, impeach, lessen, or discharge any remedy, which any person or persons now hath, or may have, against all, every or any, the master or mariners of such ship or vessel, for, or in respect of any embezzlement, secreting, or making way with, any goods, wares, or merchandize, or other property, shipped or loaded on board such ship or vessel, or on account of any fraud, abuse, or malversation of, and in such masters and mariners respectively; but such remedy shall remain in the same manner. and to the same extents, as if this act had not passed.

SEC. 3. *Be it further enacted*, That the charterer of any vessel, (in case he shall navigate such vessel at his own expense) shall be considered the owner, within the meaning of this act; and, in case any loss or damage shall happen to any person or persons, by Charterer to be considered owner. any of the causes or circumstances mentioned in the first section of this act, and such loss or damage shall be compensated from the freight, or the proceeds of the sale of such vessel, or both, in manner as herein before provided; then the owner or owners of such vessel or vessels, shall have a right to recover the value of such vessel or vessels, of the person or persons, to whom such vessel or vessels shall have been chartered, as aforesaid.

[Approved by the Governor, February 20, 1819.]

CHAP. CXXIII.

An Act relating to the Punishment of Convicts, who may be sentenced to solitary imprisonment, and confinement to hard labor.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, wherever any person convicted of any crime or offence whatever, shall be duly sentenced therefor to solitary imprisonment and confinement to hard labor for any term, not exceeding three years; such convict not having been before sentenced to a like punishment, by any Court of this, or of any other of the United States, the Court, before whom such conviction shall be had, may, in their discretion, order the said sentence to be executed in the common gaol, or house of correction of the county, in which the offence shall have been committed. And the Keeper of such gaol, or house of correction, is hereby authorized and required to execute such sentence of solitary imprisonment, by confining the convict in one of the cells of the gaol, or house of correction, if there be any such, and if there be not, then in the most retired and solitary part of the prison, or house of correction; and during the time of such solitary confinement, the convict shall be fed with bread and water only, unless other food shall be necessary for the preservation of his or her life; and no intercourse shall be allowed with such convict, except for the conveyance of food, and other necessary purposes.

Discretion of
Courts.

SEC. 2. *Be it further enacted*, That the Keeper of the gaol, or house of correction, to which such convict shall be committed, shall, after the expiration of the term of solitary imprisonment, furnish the convict with tools and materials to work with, in any suitable manner, in which his or her time can be usefully and profitably employed, either in the gaol, or house of correction, or within the close yard thereof, in the day time; and such convict, when set to work in the yard, shall

Management
of labor.

be confined with a log and chain, or in such other manner as shall prevent his or her escape, without unnecessarily producing bodily pain, or interrupting his or her labor. And it shall be the duty of the Sheriff in each county, to oversee the execution of all such sentences, and to make such rules and regulations, from time to time, as may best effect the purposes of this act, and to cause the same to be duly executed; and all such rules and regulations shall be reported to the Circuit Court of Common Pleas, in the county within which the gaol, or house of correction is situated, and to the Municipal Court, in the town of Boston, respectively; and may be repealed and altered by the said Courts, as they shall see fit. And it shall be the duty of the Keeper of such gaol, or house of correction, to report to the said Courts respectively, at every session thereof, within his county, the names and condition of all such convicts in the gaol, or house of correction, and the manner in which they are treated and employed. And if any convict shall, during the time for which he or she is sentenced to hard labor, refuse or neglect, without any reasonable excuse therefor, to labor in any suitable manner, when tools and materials for that purpose are furnished, as aforesaid, such convict shall, so long as he or she shall so refuse or neglect to labor, be kept in solitary imprisonment, and fed on bread and water only, in the manner provided in the first section of this act.

Rules and regulations.

Gaoler's report.

SEC. 3. *Be it further enacted,* That the Keeper of every gaol, or house of correction, to which any such convicts shall be committed, shall cause to be kept a true account of the labor of every such convict, and of the articles manufactured or produced by each, and all other proceeds of his or her labor; and also of the cost of the materials furnished to each convict, and of all other charges and expenses attending the execution of this act; and he shall also cause to be sold, the articles manufactured by each convict, or other produce of his or her labor, and keep a like account of the proceeds of such sales; all which accounts shall, from time to time, be reported and presented to the respective Courts above mentioned, in the county

Account of labor.

Reward of la-
bor.

Proviso.

within which the gaol, or house of correction is situated. And if, at the expiration of the term for which any such convict shall have been sentenced, it shall appear that the proceeds of his or her labor have been more than sufficient to pay for the cost of the materials with which he or she may have been furnished, and for his or her maintenance in the gaol, or house of correction, and for all other charges and expenses incurred, in keeping such convict confined, and employed in manner aforesaid, the residue of such proceeds shall be paid over to such convict, for his or her own use: *Provided, however,* that the several Courts aforesaid, if they see fit, at any time during the confinement of such convict, when it shall appear to them that the proceeds of his or her labor are more than sufficient for the purposes aforesaid, may order the residue of said proceeds, or any part thereof, to be paid over to the use of the family of such convict, if any he or she have; and in such case, the balance only of such proceeds, if any remain at the time of the discharge of such convict, shall be paid to him or her, in manner aforesaid. And all charges and expenses incurred in maintaining such convicts, and keeping them employed, excepting such as may be reimbursed by the proceeds of their labor, as aforesaid, shall be paid in like manner as the expenses and charges for maintaining convicts in the State Prison, are now by law payable; the accounts of the Gaoler, or Keeper of the house of correction, in that behalf, being first settled and allowed by the several Courts aforesaid, in the counties respectively in which the gaols, or houses of correction are situated; and the said Courts are hereby authorized to order such sums as may, from time to time, be necessary, to enable the Gaoler, or Keeper of the house of correction, to provide such tools and materials, as aforesaid, to be advanced and paid to him, out of the treasury of the county in which the gaol, or house of correction, may be situated; such Gaoler, or Keeper of the house of correction, to be accountable, in manner above mentioned, for the expenditure of the same, and to repay the amount thereof into the said county treasury, out of the proceeds of the labor of such convicts, or out of the monies re-

ceived by him, in that behalf, from the treasury of this Commonwealth.

SEC. 4. *Be it further enacted,* That if any such convict shall be unruly, or shall disobey any of the regulations, established as aforesaid, for the government of the convicts in the gaol, or house of correction, to which he or she is committed, it shall be lawful for the Sheriff of the county in which the gaol, or house of correction may be, after due inquiry into the circumstances of the case, to order such unruly or disorderly convict to be kept in solitary imprisonment, and to be fed on bread and water only, in the manner provided in the first section of this act, for a term not exceeding ten days, for every such offence. And it shall be the duty of the Gaol Keeper, or Keeper of the house of correction, to furnish every such convict, who may be capable and willing to read, with a copy of the Bible, and with such moral and religious tracts, as may be suited to their condition, when he can procure the same from any of the Bible Societies in the Commonwealth, or from other well disposed persons; and also to permit any Minister of the Gospel, who may be disposed to aid in producing the reformation of such convicts, and to instruct them in their moral and religious duties, to have access to them, when in solitary imprisonment, and at all other times, when not employed in labor, according to the provisions of this act.

SEC. 5. *Be it further enacted,* That when any gaol, or house of correction, shall hereafter be erected in any county, suitable apartments shall be made therein, for the purpose of solitary imprisonment; and yards shall be laid out, adjoiningt hereto, of sufficient dimensions, for the employment of all such convicts, and enclosed with a fence, sufficiently high and strong to prevent escapes, and to prevent all access to, or intercourse with such convicts, by any persons from without the prison. And it shall be the duty of the Court of Sessions in every county in which there is now a gaol, or house of correction, suitable for the confinement of such convicts, forthwith to order such yards to be laid out, and enclosed as aforesaid, adjoining to such gaol, or house of correction; and any county,

which shall, for the space of two years after such order, neglect to make such yard and fence, according to the provisions of this act, shall forfeit and pay, to the use of the Commonwealth, the sum of five hundred dollars; and the like sum for every year afterwards, during the continuance of such neglect; to be recovered on information or indictment before the Supreme Judicial Court, when sitting within or for any adjoining county.

SEC. 6. *Be it further enacted,* That whenever it shall appear to the Court, at the time of passing such sentence as aforesaid, that there is no gaol nor house of correction in the county, in which the offence may have been committed, suitable for the confinement of such convict, according to the provisions of this act, such Court may order the sentence to be executed in any neighboring county, in which there may be a gaol, or house of correction, suited to that purpose; and every such convict shall be confined and kept at work in the gaol, or house of correction, to which he shall be so committed, in like manner, in all respects, as if the sentence had been passed in the county in which the gaol, or house of correction, is situated.

SEC. 7. *Be it further enacted,* That if any convict, sentenced as aforesaid, shall escape from prison, and shall be thereof duly convicted, before any Court competent to try the same, he or she shall be punished by confinement to hard labor in and within the precincts of the State Prison, in Charlestown, in the County of Middlesex, for so much of the term, for which he or she was originally sentenced, as may remain unexpired at the time of such second conviction; and shall also be further punished for such escape, by solitary imprisonment for a term not exceeding sixty days, and by confinement afterwards to hard labor for a term not exceeding ten years, in and within the precincts of the State Prison aforesaid.

SEC. 8. *Be it further enacted,* That if any boy, under the age of sixteen years, or any female, of whatsoever age, shall be convicted of any offence, for which the punishment may, by law, be confinement to hard labor for any term not exceeding three years, such convict, not having been before sentenced to a like

Removal of
prisoners.

Augmented
punishment of
runaway convicts.

Confinement of
minors and females.

punishment, by any Court of this, or of any other of the United States, he or she shall not be committed for punishment to the State Prison, but shall suffer the punishment of solitary imprisonment and confinement to hard labor, if thereto sentenced, in the common gaol, or house of correction, in the manner provided in this act.

[Approved by the Governor, February 19, 1819.]

CHAP. CXXIV.

An Act making further provision for the punishment of Robbery, Manslaughter, and Felonious Assaults.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That if any person shall commit an assault upon another, and shall rob, steal, and take from his person any money, goods, or chattels, or any property, which may be the subject of larceny, such robber, being, at the time of committing such assault, armed with a dangerous weapon, with intent to kill or maim the person so assaulted and robbed; or if any such robber, being armed as aforesaid, shall actually strike or wound the person, so assaulted and robbed; every person so offending, and every person present, aiding and abetting in the commission of such felony, or who shall be accessory thereto before the fact, by counselling, hiring, or procuring the same to be done and committed, and who shall be duly convicted thereof, shall suffer the punishment of death.

Assault and robbery, punished by death.

SEC. 2. *Be it further enacted,* That if any person shall commit the crime of manslaughter, and shall be thereof duly convicted, every such offender shall be punished by solitary imprisonment, for such term, not exceeding six months, and by confinement afterwards to hard labor, for such term, not exceeding ten years, as the Court, before whom the conviction may be, shall

Punishment of Manslaughter.

sentence and order; or by fine, not exceeding one thousand dollars, and imprisonment in the common gaol, for a term, not exceeding three years, at the discretion of the Court, before whom the conviction may be.

Punishment of
accessories.

SEC. 3. *Be it further enacted*, That if any person being armed with a dangerous weapon, and with intent to commit murder or robbery, shall assault another, every such offender, and every person present, aiding and abetting, or who shall be accessory before the fact, to the commission of either the offences aforesaid, by counselling, hiring, or procuring the same to be done and committed, and who shall be thereof duly convicted, shall be punished by solitary imprisonment for such term, not exceeding one year, and by confinement afterwards to hard labor, for such term, not exceeding twenty years, as the Court, before whom the conviction may be, shall sentence and order.

[Approved by the Governor, February 19, 1819.]

CHAP. CXXV.

An Act in addition to an act, entitled “An act for regulating Pilotage in several ports in this Commonwealth, and for otherwise regulating the Pilotage of the Port of Boston.”

Full Pilotage.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That any master of a vessel, drawing nine feet of water and upwards, (coasting vessels, or vessels without registers, excepted,) who may choose to hazard the pilotage of his vessel into the harbor of Boston, either by himself, or any pilot of any port in Massachusetts, whom he may choose to employ, shall be at liberty so to do; subject however, to the following provisions, to wit: that whenever a vessel takes a branch pilot, he shall be paid the full rate of pilotage; and the first branch

pilot who shall offer his services, before a vessel shall be westward of a line extending from Nahant Head to the outer part of the Graves, and from thence to Harding's Rocks, and whose services shall not be accepted, shall be entitled to receive the full rate of pilotage, according to the fees specified in his warrant. And if a pilot offers himself after a vessel has passed the line before described, and before she passes to the westward of the Light House, (if in Light House Channel,) or before the Light House can be seen to the westward of the Great Brewster, (if in Broad Sound,) and his services are not accepted, he shall be entitled to half the usual rate of pilotage. Half Pilotage.

SEC. 2. *Be it further enacted*, That all former acts and parts of acts, so far as they may be inconsistent with the provisions of this act, be, and the same are hereby repealed. Acts repealed.

[Approved by the Governor, February 19, 1819.]

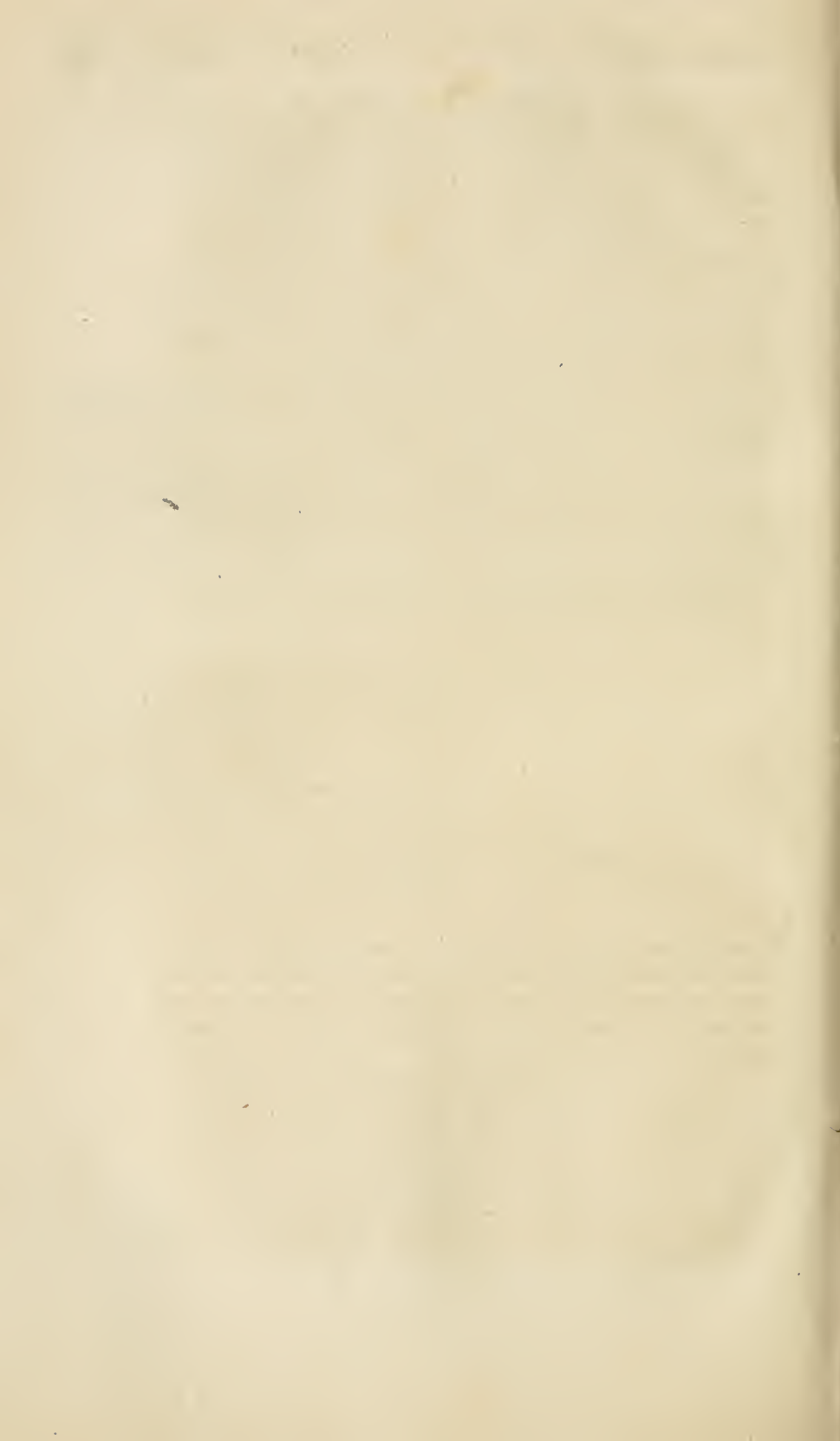
COMMONWEALTH OF MASSACHUSETTS.

SECRETARY'S OFFICE, APRIL 14, 1819.

BY this I certify, that the Laws contained in this pamphlet, which were passed at the Session in January and February, 1819, have been compared with the originals in this office, and appear to be correct; except in page 97, "*Bedlington*" should be *Redington*.

ALDEN BRADFORD,

Secretary of Commonwealth.



LAWS

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, THE TWELFTH
DAY OF JANUARY, AND ENDED THE TWENTY FIFTH DAY OF
FEBRUARY, EIGHTEEN HUNDRED AND TWENTY.

CHAP. CXCV.

An Act to incorporate the Chapel Religious Society,
in North Yarmouth.

SEC. 1. **BE** *it enacted by the Senate and House of
Representatives, in General Court assembled, and by
the authority of the same, That Samuel Mason, Alex-
ander Barr, Samuel Bucknam, William Seales, John* Persons incor-
porated.
*Small, William Small, Jeremiah Mitchell, Junior, Be-
zaleel Young, John Prince, Cornelius Moxey, Phine-
has Parker, Joshua Gray, William Pittee, Richard
Parker, John Hays, Reuben Prince, Stephen Moul-
ton, Adams Gray, Reuben Loring, Thomas Seales,
Levi Chase, Levi H. Moulton, Charles Myrick, James
Parker, Jonathan Moulton, Levi Whitcomb, Theophi-
lus Drinkwater, John Young, Robert Barr, Daniel
Mitchell, Junior, Benjamin Parker, Ruddock Prince,
Alexander Barr, Junior, Wentworth Ricker, Joel Rick-
er, Jacob Hill, Hezekiah Hill, Hezekiah Hill, Junior,
James Hill, John Hill, Nicholas Drinkwater, David
Chandler, John Chandler, David Chandler, Junior,
Eleazer, Hill, Henry Moxey, David Gray, Thomas*

Prince, Tristram G. Prince, Reuben Small, Abel Merrell, John Pittee and John D. Blanchard, with their polls and estates, together with such others as may hereafter associate with them, and their successors, be, and they are hereby incorporated, by the name of the Chapel Religious Society, in North Yarmouth, with all the powers and privileges, and subject to all the duties of other religious societies, according to the constitution and laws of this Commonwealth.

General powers.

SEC. 2. *Be it further enacted*, That any person in the said town of North Yarmouth, who may at any time hereafter, desire to become a member of said Chapel Religious Society, and give in his or her name to the Clerk of the parish or society, to which he or she may belong, with a certificate signed by the Minister or Clerk of said Chapel Religious Society, that he or she hath actually become a member of, and united in religious worship with said Chapel Religious Society, fourteen days previous to the parish or society meeting, to be held in the month of March or April, annually, shall, from and after giving such certificate, with his or her polls and estates, be considered as a member of said Chapel Religious Society: *Provided, however*, that all such persons shall be held to pay his or her proportion of all monies voted or assessed in the parish or society to which he or she belonged previous to that time.

Conditions of Membership.

Proviso.

SEC. 3. *Be it further enacted*, That whenever any member of said Chapel Religious Society, shall desire to leave the same, and unite with any other religious society in said town of North Yarmouth, and shall give in his or her name to the Clerk of said Chapel Religious Society, with a certificate signed by the Minister or Clerk of the parish or society, with which he or she may unite, that he or she hath actually become a member of, and united in religious worship with such other parish or society, fourteen days previous to their annual meeting in March or April, shall, from and after giving such certificate, with his or her polls and estates, be considered as a member of such other parish or society, to which he or she may so unite: *Provided, however*, that every such person shall be held to pay his or her proportion of all monies

Conditions of secession.

Proviso.

voted or assessed in said Chapel Religious Society, previous to that time.

SEC. 4. *Be it further enacted*, That any Justice of the Peace in the County of Cumberland, upon application therefor, is hereby authorized to issue a warrant, directed to some suitable member of said Chapel Religious Society, requiring him to notify and warn the members thereof, to meet at such time and place as shall ^{Meetings.} be appointed in said warrant, to choose all such officers, and transact all such business, as parishes are, by law, entitled to choose and transact in the month of March or April, annually.

[Approved by the Governor, January 20th, 1820.]

CHAP. CXCVI.

An Act to incorporate the Pilgrim Society.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Watson, Joshua ^{Persons incor-} Thomas, Beza Hayward, William Davis, and Barnabas Hedge, together with such others, as now are, or hereafter may be associated with them, for the purpose of procuring in the town of Plymouth, a suitable lot, or plat of ground, for the erection of a Monument, to perpetuate the memory of the virtues, the enterprize, and unparalleled sufferings of their ancestors, who first settled in that ancient town; and for the erection of a suitable Building, for the accommodation of the meetings of said associates; which Monument and Building shall, forever, be free from taxation, (while the property of said corporation,) be, and they hereby are incorporated into a society, by the name of the Pilgrim Society; and by that name, shall be a ^{General por-} corporation forever; with power to have a common seal, to make contracts, relative to the object of their institution, to sue and be sued, to establish by-laws for the regulation of the society; *provided*, such by-

laws be not repugnant to the constitution and laws of this Commonwealth ; to choose a President, and such other officers, as may be thought expedient ; to take, hold and possess, any estate, real or personal, by subscription, gift, grant, purchase, or otherwise, for the purposes aforementioned ; *provided*, the value of said estate, shall not exceed ten thousand dollars.

Proviso.

SEC. 2. *Be it further enacted*, That the time and place, for holding the first meeting of said society, may be appointed by any three of the aforementioned persons, by their giving notice thereof, in the Columbian Centinel, printed in Boston ; and at such meeting, the said society may agree upon the mode of calling future meetings ; may adjourn from time to time ; may choose such officers as may be deemed expedient, and establish by-laws to regulate said society.

Meetings.

[Approved by the Governor, January 24th, 1820.]

CHAP. CXC VII.

An Act to incorporate the First Universalist Society, in the town of York.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Thomas Savage, Daniel Brooks, Solomon Brooks, William Stacy, Nathaniel Parsons, Alexander McIntire, Joshua Johnson, Josephus Howard, Samuel Moody, Junior, Eliakim Sevey, Daniel Sweet, Jonathan Young, Elihu Bragdon, William McIntire, Micum McIntire, Daniel Crosby, Joseph Todd, Matthias Bragdon, Isaac Bowden, Junior, Theodore Wilson, Ebenezer Weare, Ebenezer Simpson, Eliphalet Grover, James Nowell, William Burley, James Bragdon, Joseph Swett, Junior, William P. Stacy, Elias Main, Paul Junkins, David Blaisdell, Junior, Joseph Freethy, Jotham Trafton, Joshua Moore, Daniel Raynes, Junior, Theodore Webber, Junior, Mark McIntire, John Bragdon, Thomas Em-

Persons incorporated.

ery, Daniel Carlisle, James Stevens, William Beddel, Nathaniel Webber, and Ichabod Emery, with their polls and estates, be, and they are hereby incorporated, by the name of the First Universal Society, in York, with all the privileges, powers, and immunities, to which other religious societies are entitled by the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That any person in the said town of York, or in the adjoining towns, who may, at any time hereafter, desire to become a member of said Universalist Society, and give in his or her name to the Clerk of the town or parish, to which he or she may belong, with a certificate, signed by the Minister or Clerk of said Universalist Society, that he or she hath actually become a member of, and united in religious worship with said Universalist Society, fourteen days previous to the town or parish meeting, to be held in the month of March or April, annually, shall, from and after the date of such certificate, with his or her polls and estates, be considered as a member of said Universalist Society: *Provided, however*, that all such persons, shall be held to pay his or her proportion of all monies voted or assessed in the town or parish, to which he or she belonged, previous to that time.

SEC. 3. *Be it further enacted*, That whenever any member of said Universalist Society, shall see cause to leave the same, and unite with any other religious society in the town or parish, in which he or she may reside, and shall give in his or her name to the Clerk of said Universalist Society, with a certificate, signed by the Minister or Clerk of the parish or society, with which he or she may unite, that he or she hath actually become a member of, and united in religious worship with such other parish or society, fourteen days previous to their annual meeting in March or April, and shall pay his or her proportion of all monies voted or assessed in said Universalist Society, previous thereto, shall, from and after giving such certificate, with his and her polls and estates, be considered as a member of such other parish or society, to which he or she may so unite.

SEC. 4. *Be it further enacted*, That any Justice of

Meetings.

the Peace, in the town of York, upon application therefor, is hereby authorized to issue his warrant, directed to some suitable member of said Universalist Society, requiring him to notify and warn the members thereof, to meet at such time and place, as shall be appointed in said warrant, to choose all such officers, and transact all such business, as parishes are, by law, entitled to choose and transact, in the month of March or April, annually.

[Approved by the Governor, January 24th, 1820.]

CHAP. CXCVIII.

An Act to change the name of the Western Society of Middlesex Husbandmen.

Name altered.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Western Society of Middlesex Husbandmen, a corporation created by an act, made and passed the twenty eighth day of February, in the year of our Lord one thousand eight hundred and three, shall hereafter be called and known by the name and style of "The Society of Middlesex Husbandmen and Manufacturers;" any thing in their original act of incorporation, to the contrary notwithstanding.*

[Approved by the Governor, January 24th, 1820.]

CHAP. CXCIX.

An Act to extend the time for completing the Hancock Brook Canal.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the further time of five*

years, from the passing of this act, be, and hereby is granted to the proprietors of the Hancock Brook Canal, to be built in the towns of Denmark and Hiram, in the County of Oxford, to complete the same; the limitation in the act, additional to an act, granting three years to complete the said canal, having expired, notwithstanding.

[Approved by the Governor, January 24th, 1820.]

CHAP. CC.

An Act to repeal the fourteenth section of an Act, entitled "An Act for incorporating certain persons for the purpose of building a Bridge over Charles River, by the name of the Canal Bridge, and for extending the interest of the Proprietors of West Boston Bridge."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the fourteenth section of an act, entitled "an act for incorporating certain persons for the purpose of building a bridge over Charles River, by the name of the Canal Bridge, and for extending the interest of the proprietors of the West Boston Bridge," passed the twenty seventh day of February, in the year of our Lord one thousand eight hundred and seven, be, and the same is hereby repealed.

[Approved by the Governor, January 25th, 1820.]

CHAP. CCI.

An Act in addition to an Act, entitled “An Act providing for the appointment of Agents, for demanding and receiving Fugitives from Justice, and for defraying the expense of transporting them from other States in the Union, to this Commonwealth.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of the second section of an act, entitled “an act providing for the appointment of Agents, for demanding and receiving fugitives from justice, and for defraying the expense of transporting them from other States in the Union, to this Commonwealth,” as requires the Governor to take the advice of the Council, previous to issuing a warrant to the Agent or Agents aforesaid, be, and the same is hereby repealed.*

[Approved by the Governor, January 28th, 1820.]

CHAP. CCII.

An Act to incorporate the Proprietors of St. Paul's Church, in Boston.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Dudley A. Tyng, Benjamin Greene, William Dehon, John Odin, William Appleton, Henry Codman, David Sears, William Shimmin, Francis Wilby, George Odin, and George Sullivan, all of Boston, and all those original subscribers, for the purpose of erecting a new Episcopal Church, in Common Street, in Boston, who have paid, or who shall pay, or secure to be paid, before the first meeting of the corporation hereby created, the whole amount of*

Persons incor-
porated.

their subscriptions, and who shall signify, in writing, to either of the persons above named, their desire to become associates, are hereby incorporated as a Protestant Episcopal Society and body politic, by the name of the Proprietors of Saint Paul's Church, in Boston, with all the powers and privileges of other like religious societies, according to the constitution and laws of this Commonwealth, and to the rights and usages of the Protestant Episcopal Church in the United States. The persons named and described as aforesaid, to be and continue members of said corporation, until there shall be a sale of pews, in said church; and from and after such sale, owners of pews therein, shall alone be members of said corporation.

General powers.

SEC. 2. *Be it further enacted*, That the said corporation, at any legal meeting, held for the purpose, shall have power to authorize the Wardens of said church to transfer and convey all, or any part of the real or personal estate, which said corporation may acquire or possess, and to execute good and sufficient deeds to convey the same, in fee simple, or in any other manner, and for such consideration, as said corporation, at such meeting, shall, by vote, determine.

SEC. 3. *Be it further enacted*, That the first meeting of said corporation shall be called, by publishing this act in one or more newspapers, printed in Boston, with Meetings a request, that all persons concerned, should meet at such time and place as shall be mentioned in said notice. And the said printed notice or request shall bear the name of one, at least, of the persons named in the first section of this act.

[Approved by the Governor, January 28th, 1820.]

CHAP. CCIII.

An Act to incorporate the Proprietors of the First Methodist Meeting House, in Bucksport.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Abner Curtis, Joshua

Persons incor-
porated.

Howes, Jesse Kilby, Elisha D. Eldridge, and others, who have associated, or may hereafter associate with them, for the purpose of building a meeting house, their successors and assigns, be, and they hereby are made a corporation and body politic, by the name of the Proprietors of the First Methodist Meeting House, in Bucksport; and by that name may sue and be sued, and may have a common seal; and may, also, ordain and establish such by-laws and regulations, as to them shall seem necessary and convenient, for the government of said corporation; *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth; and may purchase and hold real and personal estate, the annual income of which, shall not exceed one thousand dollars; and the shares of the said corporation, shall not be less than fifty, nor more than one hundred in number.

General pow-
ers.

Annual meet-
ings.

Officers.

First meeting.

SEC. 2. *Be it further enacted*, That a meeting of said corporation shall be holden annually, on the first Monday of January, after the present year; at which meeting, the said proprietors shall, by ballot, elect five Trustees, one of whom shall be President, and any three of whom shall constitute a quorum for transacting business; a Treasurer, who shall also be Collector, and a Clerk, who shall respectively be sworn to the faithful discharge of the duties of their offices. And at all meetings of said corporation, each proprietor, or his agent, duly authorized in writing, shall have a right to vote, and be entitled to as many votes as he holds shares; *provided*, no person shall be entitled to more than five votes. And Abner Curtis, Esquire, is hereby authorized to issue his warrant to some one of the said proprietors, for the purpose of calling their first meeting, for the organization of said corporation; at which meeting, the said proprietors shall agree on the method of calling future meetings.

SEC. 3. *Be it further enacted*, That whenever any proprietor shall refuse or neglect to pay any tax or assessment, duly voted and agreed upon by said corporation, for the purposes thereof, to the Treasurer, within sixty days after the same shall be made payable, the said Treasurer, being thereto directed by the said Trustees, may sell at public vendue, the share

or shares of such delinquent proprietor, to defray said ^{Delinquent shares may be sold.} tax and necessary charges, after posting notice of the time, place, and cause of such sale, at two or more public places, in said town, at least thirty days previous to such sale; and a certificate of the same, under the hand of the President and Clerk of said corporation, shall transfer all the right, title, and interest of such delinquent in the share or shares thus sold to the purchaser. And if the said share or shares, so sold, shall sell for more than the taxes or assessments thereon due, and charges; the overplus shall be paid over to such delinquent proprietor, by the Treasurer, on demand; or the said Treasurer may, by the direction of the said Trustees, and in the name of said corporation, sue and prosecute to final judgment and execution, any such delinquent proprietor, for any tax or assessment, due on any share or shares of such delinquent proprietor.

[Approved by the Governor, January 31st, 1820.]

CHAP. CCIV.

An Act relating to the Circuit Court of Common Pleas, for the Third Eastern Circuit.

WHEREAS, owing to sundry casualties, neither of the Justices of the Circuit Court of Common Pleas, for the Third Eastern Circuit, nor the Sheriff of the County of Hancock, were able to attend, nor did they, or either of them, attend the Circuit Court of Common Pleas, which by law, ought to have been holden at ^{Preamble.} Castine, within and for the County of Hancock, on the third Tuesday of November last; by reason of which, said Court was not opened and holden on that day, as by law it ought to have been: To prevent a failure of justice;

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all indictments, complaints, actions, suits, matters and things whatsoever, which

Transfer of business.

were pending in the Circuit Court of Common Pleas, in the County of Hancock, on the third Tuesday of November last, and all writs and processes, of every kind whatsoever, returnable to the Circuit Court aforesaid, and which would have had day therein, had the Justices of the said Court attended at said Castine, on the day aforesaid, and opened said Court according to law, shall be sustained, have day in, and be fully acted upon, by the Circuit Court of Common Pleas, next to be holden at Castine, within and for the County of Hancock, on the third Tuesday of March next; and all persons who were holden or bound to appear in the Circuit Court of Common Pleas, which, by law, ought to have been holden at Castine, on the third Tuesday of November last, shall be holden, and bound, under the same penalties, to appear in the said Circuit Court of Common Pleas, next to be holden at Castine, within and for the County of Hancock, on the third Tuesday of March next; and all attachments made by virtue of writs returnable to the Circuit Court of Common Pleas, which ought, by law, to have been holden at Castine, on the said third Tuesday of November, which shall be returned to and entered in the Circuit Court of Common Pleas, next to be holden at Castine, within and for the County of Hancock, on the third Tuesday of March next, shall be as effectual, to bind the property so attached, as they would have been, had said writs been returned to, and duly entered in the Court to which they were returnable.

[Approved by the Governor, January 31st, 1820.]

CHAP. CCV.

An Act in addition to an Act, entitled "An Act establishing a Corporation, by the name of the Union Turnpike Corporation."

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Union Turnpike

Corporation be, and they are hereby authorized to alter their road, by leaving its original rout, near Benjamin Willard's, in Lancaster, thence running in the most direct and suitable course, to where the county road, leading to Harvard, crosses Nashua River, thence in and near the course of said county road, so as to reunite with said turnpike road, near Jonas Bateman's, in Harvard.

Alteration of
Road.

SEC. 2. *Be it further enacted*, That whenever said alterations shall be made and accepted, by a Committee or Committees, to be appointed by the Court of Sessions, in the County of Worcester, said corporation are hereby discharged from maintaining and keeping in repair such part of the present road, as said alteration shall render unnecessary, as a turnpike road.

Return of pro-
ceedings.

[Approved by the Governor, January 31st, 1820.]

CHAP. CCVI.

An Act in further addition to an Act, entitled "An Act for incorporating certain persons for the purpose of making, laying and maintaining Side Booms, in Androscoggin River."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the proprietors of the Booms, in Androscoggin River, in the town of Topsham be, and they are hereby empowered to extend their Side Booms above the Lower Falls, on Androscoggin River, at the carrying place, so called, in Brunswick, to within eight rods of the shore, in Topsham.

Extension of
Side Booms.

SEC. 2. *Be it further enacted*, That the said corporation shall be entitled to demand and receive, of the respective owner or owners of logs, stopped in the said river, rafted and properly secured by said corporation, for the owner, above the Lower Falls, aforesaid, for any log or logs sufficient to make a thousand feet of boards, fifty cents.

Pay for stop-
ping logs.

[Approved by the Governor, January 31st, 1820.]

CHAP. CCVII.

An Act in addition to an Act, entitled "An Act to incorporate the Second Congregational Society, in the First Parish in Springfield."

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the Second Congregational Society, in the first parish in Springfield, shall be, and hereby is authorized and empowered to take the name of the Third Congregational Society in Springfield, and shall hereafter be known and called by that name forever.

Alteration of title.

Register of proprietors.

Transfer of pews.

SEC. 2. *Be it further enacted*, That the Clerk of said society shall record, in a book, to be by him kept for that purpose, the names of the proprietors of every pew, or part of a pew, in the meeting house of said society, and shall give to every such proprietor a certificate of his ownership of such pew or part of a pew ; which certificate shall be full evidence of the title of such proprietor thereto, and shall vest the same in said proprietor and his heirs, to all intents and purposes ; and a copy of such certificate shall be recorded in the same book by said Clerk ; and all transfers of a pew or part of a pew, in said house, shall be by deed, to be recorded in the same book by said clerk ; and for every such certificate, and for recording every such transfer, said Clerk shall be entitled to receive from every such proprietor or grantee, twenty five cents ; and all known officers of law, for all lawful purposes, shall have free access to such book of records.

Persons incorporated.

SEC. 3. *Be it further enacted*, That Joshua Frost, Jonathan Dwight, Junior, Robert Emery, John Howard, and Samuel Orne, Esquires, and their successors, be, and they hereby are constituted a body politic and corporate forever, by the name of the Trustees of the Fund of the Third Congregational Society, in Springfield ; and they shall have a common seal, subject to be altered at their pleasure, and they may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the name aforesaid.

SEC. 4. *Be it further enacted*, That said Trustees be, and hereby are vested with, and shall have full powers to receive into their hands, all monies and securities for money already raised, which may now be in the hands of the Treasurer of said society, and all monies, subscriptions, donations and securities for real or personal estate, that may hereafter be given, raised or subscribed for the use of said society; and may sell and convey, by deeds, lands and tenements, whereof the fee may rest in them, by virtue of mortgage or execution; and any gift, grant, bequest or devise, hereafter made to said Trustees or their successors, shall be valid and effectual to all intents and purposes whatever; and said Trustees are hereby empowered by purchase or operation of law, to take, have, hold, use, improve and manage any estate, real or personal, the annual income whereof shall not exceed the sum of two thousand dollars, in trust for the support and maintenance of the gospel ministry, and other expenses of said society. ^{Powers of Trustees.}

SEC. 4. *Be it further enacted*, That said Trustees shall pay to the regularly ordained Minister of said society, four hundred dollars semiannually; the first payment to be at the expiration of six months from the ordination or settlement of said Minister, over said society; and all other income or interest which said Trustees may receive from estates or securities, with which they may, by this act, be vested, they shall dispose of in such manner as said society shall, from time to time, direct: *Provided, however*, that the fund of said society shall be inalienable, and, that its proceeds shall, in no case, be appropriated, but for the benefit of said society. ^{Salaries.}

SEC. 6. *Be it further enacted*, That any three of said Trustees shall constitute a board for the transaction of business; and the concurrence of that number shall be requisite to every act and proceeding whatever; and said Trustees shall fill all vacancies at their board, as they shall arise from death, resignation, misconduct, incapacity, or removal from said society; and said Trustees shall have power, by a majority of votes, to remove any one of their number for such misconduct or incapacity, of which they are hereby constituted sole judges. ^{Vacancies to be filled.}

Duties of Treasurer.

SEC. 7. *Be it further enacted*, That said Trustees shall choose one of their board, Treasurer, who shall give bond to said Trustees, with surety or sureties, to their acceptance, in the penal sum of twenty five thousand dollars, for his faithful performance of the duties of that office ; and said Treasurer shall keep a record of all the proceedings of said Trustees, and an account of all their receipts and appropriations of money, and shall make a statement in writing, of such receipts and appropriations, and of all securities for money in his hands, every year, in the month of March, to the Clerk of said society, who shall record the same, in the society's books ; and said Treasurer shall constantly have the custody of all the money and effects, obligations and securities for the payment of money, and all other evidences of property belonging to said Trustees.

Lien on Pews.

SEC. 8. *Be it further enacted*, That for security of any debt due to said Trustees, from any proprietor of a pew or part of a pew, in the meeting house of said society, the same shall always be holden, and said Trustees shall have a lien on such pew or part of a pew, until such debt be discharged ; and for all loans hereafter made by said Trustees, they shall require two good and sufficient sureties, or a mortgage of real estate of double the value of the sum loaned, or may vest the same in bank stock, or in the funded stock of the United States.

Pay of Trustees.

SEC. 9. *Be it further enacted*, That the said Trustees shall receive for their services, such compensation as shall be mutually agreed on between them and said society ; and they shall be responsible to said society, for their negligence or misconduct in the management of said trust.

First meeting.

SEC. 10. *Be it further enacted*, That Joshua Frost, Esquire, be, and hereby is authorized and empowered to fix the time and place, for holding the first meeting of said Trustees, and to notify each Trustee thereof.

[Approved by the Governor, January 31st, 1820.]

CHAP. CCVIII.

An Act to change the name of the American Society, for Educating Pious Youth, for the Gospel Ministry.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the name of the American Society, for Educating Pious Youth, for the Gospel Ministry, be changed, and that the said corporation be hereafter known, and called by the name of the American Education Society.

[Approved by the Governor, January 31st, 1820.]

CHAP. CCIX.

An Act to incorporate the Belfast Upper Bridge Company.

SEC. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That William Cunningham, William Patterson, Ephraim M'Keen, Salathiel Nickerson, Junior, Nathaniel Eells, John M'Keen, and William Ryan, together with those who may hereafter associate with them, be, and they are hereby incorporated into a body politic, by the name of the Belfast Upper Bridge Company, for the purpose of building and maintaining a bridge over the river in the town of Belfast, in the County of Hancock, at the Narrows, so called, near where the old bridge now stands; and as such, they may sue and be sued, may appoint one or more Agents or Attornies to prosecute or defend them, and may have and keep one common seal, which they may alter, break or change, at pleasure.

SEC. 2. Be it further enacted, That, for reimbursing to the said William Cunningham and others, before

Rates of Toll.

named, and their associates, the money they may expend in building and supporting the said bridge, a toll is hereby granted and established, for the sole benefit of the said William Cunningham and others, before named, and their associates, according to the rates following, to wit : for each foot passenger, two cents ; for each man and horse, twelve cents and five mills ; for each horse and chaise, sulkey or riding chair, twenty five cents ; for each sleigh, sled, cart or waggon, drawn by one beast, twelve cents and five mills ; for each sleigh, sled, waggon or cart, drawn by two beasts, twelve cents and five mills ; for each sled, cart or waggon, drawn by more than two beasts, seventeen cents ; for neat cattle, in droves or single, two cents each ; for sheep or swine, one cent each ; for each coach and pleasure carriage of four wheels, drawn by two or more horses, thirty cents.

Condition of Bridge.

SEC. 3. *Be it further enacted*, That the said bridge shall be well built, of good and suitable materials, at least twenty feet wide, with sufficient rails on each side, for the safety of passengers, and to be provided with a draw, of sufficient width for vessels to pass through ; and the proprietors shall keep the said bridge in good, safe, and passable repair ; and if the said corporation should unreasonably neglect to keep said bridge in good repair, as aforesaid, on such neglect being made to appear to the Court of Sessions, for the County of Hancock, it shall be in the power of said court, to prohibit the proprietors aforesaid, from receiving toll from any person or persons passing said bridge, until it is by them put into such repair as shall be deemed sufficient by the said court ; and the said toll shall commence whenever said bridge shall be fit and safe for carriages to pass over it, and shall continue to said corporation and their successors, for the term of twenty years, from the passing of this act, subject to alterations by the General Court. And the said proprietors shall constantly keep, in a conspicuous place, and fairly exposed to view, a sign, with all the rates of toll, legibly written thereon. And at all times, when the Toll Gatherer shall not attend his duty, the passenger or carriage may pass free of toll.

SEC. 4. *Be it further enacted*, That, if the said

William Cunningham and others, before named, and their associates, shall neglect, for the term of two years, to build said bridge, then this act shall be void:

SEC. 5. *Be it further enacted*, That upon application of any two of the proprietors aforesaid, to either of the Justices of Peace, within and for the County of Hancock, it shall be the duty of such Justice to issue his warrant, directed to some member of said corporation, requiring him to notify and warn a meeting of said proprietors, to be holden at such time and place as shall be appointed, to choose such officers as said corporation are empowered to choose. And the said corporation, at the same, or any subsequent meeting, may determine on the mode of calling future meetings, and may make and adopt such by-laws, rules and regulations, as may be necessary and convenient for the management of their affairs; *provided*, they are not repugnant to the constitution and laws of this Commonwealth.

Proprietors' Meetings..

SEC. 6. *Be it further enacted*, That nothing in this act shall entitle the said proprietors to demand or receive toll of any person who shall be passing with his horse or carriage, to or from public worship, on the Lord's day; or from any person or persons, on military duty; or from any person going to, or returning from town meetings.

Exemptions..

[Approved by the Governor, January 31st, 1820.]

CHAP. CCX.

An Act to incorporate the Institution for Savings, in Newburyport, and its vicinity.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Bartlett, Moses Brown, John Pettingell, John Pearson, Thomas M. Clark, Edward Rand, Edward S. Rand, William B. Banister, Stephen Howard, Thomas Carter, Joshua Carter, Ebenezer Mosely, Ebenezer Wheelwright,

Persons incorporated.

Peter Le Breton, Jonathan Gage, Francis Vergnies, Nathan Noyes, Oliver Prescott, Nathaniel Bradstreet, Joseph S. Pike, and Philip Bagley, together with such as have associated, and may hereafter associate with them, be, and they hereby are incorporated into a society, by the name of the Institution for Savings, in Newburyport, and its vicinity; and that they, and such others as may be duly elected members of the said corporation, as is in this act provided, shall be, and remain a body politic and corporate, by the same name, forever.

General powers.

SEC. 2. *Be it further enacted*, That the said society and corporation shall be capable of receiving, from any person or persons, disposed to obtain and enjoy the advantages of said institution, any deposit or deposits of money, and to use and improve the same, for the purposes, and according to the directions herein mentioned and provided: And all such deposits of money, received by the said society, shall be used and improved to the best advantage of the owners thereof; and the net income or profit thereof, shall be, by the said society, applied and divided among the persons making the deposits, their executors, administrators, or assigns, in just proportion, to each depositor; and the principal of such deposits may be withdrawn at such time, and in such manner, as the said society shall direct and appoint. And the said corporation may, at their first meeting, and at their annual meetings in January, have power to elect, by ballot, additional members of the said society.

Division of profits.

SEC. 3. *Be it further enacted*, That the said corporation may have a common seal, which they may change and renew at their pleasure; and that all deeds, conveyances, and grants, covenants, and agreements, made by their Treasurer, or any other person, by their authority and direction, according to their institution, shall be good and valid; and the said corporation shall, at all times, have power to sue and be sued, and may defend, and shall be held to answer, by the name aforesaid.

Location.

SEC. 4. *Be it further enacted*, That the said society shall hereafter meet at Newburyport, at such time in the month of January, annually, and at such other

times, as the society, or the President thereof, may direct; and any seven members of the said corporation, (the President, a Vice President, Treasurer, or Secretary, being one,) shall be a quorum. And the said society, at their meeting in January, annually, shall have power to elect a President, and all such other officers, as to them shall appear necessary; which officers, so chosen, shall continue in office one year, and until others are chosen in their stead: and the Secretary and Treasurer, so chosen, shall be under oath to the faithful performance of the duties of their offices respectively; and they shall also have the power of making by-laws, for the more orderly management of the business of the corporation; *provided*, such by-laws are not contrary to the constitution and laws of this Commonwealth.

SEC. 5. *Be it further enacted*, That any three of the persons named in this act, are hereby empowered, by public notification in the newspapers printed in Newburyport, to call and notify the first meeting of the said society, at such time and place as they may judge proper.

[Approved by the Governor, January 31st, 1820.]

CHAP. CCXII.

An Act to establish an Academy, in the town of Billerica, by the name of Billerica Academy.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there be, and hereby is established, in the town of Billerica, in the County of Middlesex, an academy, by the name of Billerica Academy, for the purpose of promoting religion and morality, and for the education of youth, in such of the liberal arts and sciences, as the Trustees for the time being, shall direct; and that Josiah Crosby, Esquire, Samuel Whiting, Esquire, Joseph Locke, Esquire,

Reverend Nathaniel Whitman, Francis Faulkner, Esquire, Colonel Josiah B. Richardson, Doctor Zadock Howe, Reverend Samuel Stearns, Reverend Samuel Sewall, Reverend Jacob Coggin, Honorable Edward St. Loe Livermore, George Bruce, Gentleman, Cyrus Baldwin, and William Blanchard, Junior, Esquires, and Doctor Abraham R. Thompson, be nominated and appointed Trustees ; and they are hereby incorporated into a body politic, by the name of the Trustees of Billerica Academy ; and they, and their successors, shall be and continue a body politic, by that name, forever.

SEC. 2. *Be it further enacted,* That all lands, monies, or other property, heretofore given, or subscribed, for the purpose of erecting or establishing an academy as aforesaid, or which shall hereafter be given, granted, or assigned to the said Trustees, shall be confirmed to the said Trustees, and their successors in that trust, forever, for the uses, which in such instruments, shall be expressed : And the said Trustees shall be capable of having, holding, and taking in fee simple, by gift, grant, devise, or otherwise, any lands, tenements, or other estate, real or personal ; *provided*, the annual income of the same, shall not exceed the sum of three thousand dollars ; and shall apply the interest, rents, and profits thereof, so as most effectually to promote the design of the institution.

General powers.

Proviso.

SEC. 3. *Be it further enacted,* That the said Trustees, for the time being, shall be the Visitors and Governors of said institution ; shall have full power, from time to time, to elect such officers thereof, as they shall judge necessary and convenient, and fix the tenure of their respective offices ; to remove from office any Trustee, when he shall become incapable from age or otherwise, of discharging the duties of his office ; to fill all vacancies that may happen in the Board of Trustees, by electing suitable persons therefor ; to determine the times and places for holding their meetings, the manner of notifying the Trustees, the method of electing and removing members of the board ; to ascertain the powers and duties of their several officers ; to elect Instructors, and prescribe their duties ; to make and ordain reasonable rules, orders, and by-laws, with reasonable penalties, for the government of the institu-

Choice of Officers.

tion; *provided*, the same be not repugnant to the laws of the Commonwealth.

SEC. 4. *Be it further enacted*, That the Trustees of said academy, may have a common seal, which they may change at pleasure; and all deeds, sealed with said seal, and delivered and acknowledged by the Secretary of said Trustees, by their order, shall be good and valid in law; and said Trustees may sue and be ^{May sue and be} sued in all actions, and prosecute and defend the same ^{sued.} to final judgment and execution, by the name of the Trustees of Billerica Academy.

SEC. 5. *Be it further enacted*, That the number of said Trustees, shall never exceed fifteen, nor be less than nine; seven of whom shall be necessary to constitute a quorum for doing business, but a less number may adjourn from time to time; and a majority of those present, shall always decide all questions that may properly come before the said Trustees; except, that a majority of all the Trustees shall be necessary to remove any member of the board.

SEC. 6. *Be it further enacted*, That Joseph Lee, Esquire, be, and he is hereby authorized and empowered to fix the time and place, for holding the first meeting of the Trustees, and to notify them thereof. ^{First Meeting.}

[Approved by the Governor, January 31st, 1820.]

CHAP. CCXII.

An Act in addition to an Act, entitled “An Act directing the mode of attaching on mesne process, and selling by execution, shares of debtors, in incorporated companies.”

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That whenever any Sheriff, or Deputy Sheriff shall make sale of any share or interest in an incorporated company, of any right in equity to redeem mortgaged real estate, or of any personal

Sheriffs to hold monies.

property, which shall, before such sale, have been attached on mesne process, or taken on execution by a Coroner, and such Sheriff or Deputy Sheriff, is duly notified thereof, in writing, he shall hold the monies in his hands, arising from such sale, subject to such attachment or execution, in the same manner as if he were authorized to serve the execution which shall have issued, or may issue on such mesne process, or on which said share or interest, equity of redemption, or personal property, may have been taken by said Coroner.

Sheriffs to pay balances to Coroners.

SEC. 2. *Be it further enacted*, That said Sheriff or Deputy Sheriff, after being notified, in writing, by said Coroner, of the execution, in his the said Coroner's hands, on which said share or interest, equity of redemption, or personal property shall have been taken, or which issued on the mesne process, whereon said share or interest, equity of redemption, or personal property had been attached, of the time of such attachment on mesne process, or taking on execution, and of the whole amount, including fees due on said execution, shall pay over to said Coroner, the amount due on said execution, or so much thereof, as shall remain in his hands, after satisfying all executions, in his own hands, on which said share or interest, equity of redemption, or personal property had been taken, or which issued on mesne process, whereon said share or interest, equity of redemption or personal property had been attached, prior to the time of the attachment on mesne process, or taking on execution as aforesaid, by said Coroner.

Duty of Coroner.

SEC. 3. *Be it further enacted*, That whenever any Coroner shall make sale of such share or interest, equity of redemption, or personal property, which shall, before such sale, have been attached on mesne process, or taken on execution by a Sheriff or Deputy Sheriff, such Coroner shall be subject to the same duties and requirements, in relation to such Sheriff or Deputy Sheriff, as by the first and second sections of this act, a Sheriff is, in like case subject to, in relation to a Coroner.

SEC. 4. *Be it further enacted*, That whenever any Constable shall make sale of such share or interest, equity of redemption, or personal property, which shall,

before such sale, have been attached on mesne process, or taken on execution, by a Sheriff or Deputy Sheriff, or by a Coroner, such Constable shall be subject to the same duties and requirements, in relation to such Sheriff or Deputy Sheriff, or Coroner, as by the first and second sections of this act, a Sheriff is, in like case subject to, in relation to a Coroner.

Duty of Constables.

[Approved by the Governor, February 1st, 1820.]

CHAP. CCXIII.

An Act setting off Phineas Whiting and others, from the Town of Chelmsford, and annexing them to the West Congregational Society, in Dracut.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Phineas Whiting, Nathaniel Wright, John Ford, Silas Hoar, Artemas Holden, James Bowers, Jonathan Bowers, Samuel F. Wood, Nathan Tyler, Josiah Fletcher, Otis Tyler, Joseph C. Hall, Nathan Tyler, Junior, Nathan Hunting, Nathan P. Ames, Joseph Dane, Ephraim Osgood, Simon Parker, Lowell Butterfield, Jeduthan Parker, Zebulun Parker, Osgood Worcester, Joel Dix, Varnum Spaulding, Robert Spaulding, Micajah Bowers, Bradley Varnum, John Goulding, Samuel Hunt, Moses Cheever, Junior, and Amos Proctor, of Chelmsford, in the County of Middlesex, with their polls and estates, be, and they are hereby set off, for parochial purposes only, from said town of Chelmsford, and annexed to the West Congregational Society, in Dracut, in said county; there, hereafter to enjoy all the parochial privileges of said society, and to pay their proportion of all necessary charges that may arise therein, for the purposes aforesaid: *Provided, nevertheless,* that the aforesaid persons shall be holden to pay their proportion of all parochial taxes, now assessed or granted, by the said Town of Chelmsford.

Persons set off.

Proviso.

[Approved by the Governor, February 1st, 1820.]

CHAP. CCXIV.

An Act to incorporate the Fall River Manufacturing Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Abraham Bowen, Dexter Wheeler, David Anthony, and Jonathan Borden, together with such others, as have, or may hereafter associate with them, their successors, and assigns, be, and they are hereby made a corporation, by the name of the Fall River Manufactory, for the purpose of manufacturing cotton goods, in the Town of Troy, in the County of Bristol; and for the purpose aforesaid, shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act, passed the third day of March, in the year of our Lord one thousand, eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations."

Persons incor-
porated.General pow-
ers.May hold Real
Estate.

SEC. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of thirty thousand dollars, and such personal estate, not exceeding the value of fifty thousand dollars, as may be necessary and convenient, for carrying on the manufacture aforesaid.

[Approved by the Governor, February 5th, 1820.]

CHAP. CCXV.

An Act incorporating the Portland Relief Society.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Simon Greenleaf, Samuel Baker, Nelson Racklyft, Seth Clark, John Powell, Francis Douglas, William Swan, Cornelius D.

Persons incor-
porated.

Maynard, William Lord, Arthur Shirley, and their associates, and successors, be, and they hereby are constituted a corporation, by the name of the Portland Relief Society; and they hereby are invested with all the powers, privileges, and immunities, incident to such corporations.

SEC. 2. *Be it further enacted*, That said society shall have power to take, possess and hold, by gift, grant, or purchase, any real or personal estate; *provided*, the value thereof do not exceed ten thousand dollars; and shall and may employ the income, interest and profits, arising from such estate, in acts of charity and benevolence, and not otherwise; and may make and establish any by-laws, rules and regulations, for their own government; *provided*, the same are not repugnant to the constitution and laws of this Commonwealth.

May hold Real Estate.

SEC. 3. *Be it further enacted*, That Simon Greenleaf, be, and he is hereby authorized to call the first meeting of said society, by giving personal notice to each of them, or leaving a written notice at each of their dwelling houses, seven days before the time of meeting.

First Meeting.

[Approved by the Governor, February 7th, 1820.]

CHAP. CCXVI.

An Act to establish part of the line between the Towns of Lenox and Lee, in the County of Berkshire.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That that part of the dividing line, between the Towns of Lenox and Lee, namely, beginning at the now reputed southeast corner of said Lenox, about eighteen rods west of the Housatonic River, at a heap of stones in the north line of a tract of land, known by the name of the Glass Work Grant; thence running north, seven degrees east, parallel with the west line of a grant of land, known by the name of

Boundaries.

Larribee's Grant, until the said line shall reach the middle of the said Housatonic River, above the furnace and mills standing on the same; thence northerly, in the middle of said river, as far as the north line of the said Larribee's Grant, where it intersects the original east line between said towns, be, and the same is hereby established as the boundary line between the said towns.

[Approved by the Governor, February 7th, 1820.]

CHAP. CCXVII.

An Act to incorporate the Proprietors of the South Buildings, in Salem.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Willard Peele, Pickering Dodge, and others, interested in a certain real estate in Salem, in the County of Essex, consisting of a brick building; bounded westerly by Cambridge Street, and northerly by Chesnut Street, with the land under and adjoining said building, and their successors and assigns, be, and they hereby are constituted a body politic and corporate, by the name of the Proprietors of the South Buildings, in Salem: And the said corporation, by said name, may sue and be sued, have a common seal, make rules and by-laws for the management of said estate, and do and execute whatever, by law, shall appertain to bodies corporate.

Persons incor-
porated.

General pow-
ers.

SEC. 2. *Be it further enacted,* That the said corporation be capable to have, hold and possess the said real estate and appurtenances; *provided,* the lawful proprietors thereof shall convey the same to said corporation: And said corporation shall have power to sell, alien, lease and manage said estate, according to the pleasure of said corporation, expressed at a legal meeting.

May hold Real
Estate.

SEC. 3. *Be it further enacted,* That the said corpor-

ate property shall be divided into shares, not exceeding one hundred and fifty in number; and certificates thereof shall be signed by the President of said corporation, and issued to the proprietors, according to their respective interests in said estate; and such shares shall be personal estate. Shares limited.

SEC. 4. *Be it further enacted,* That said corporation may, from time to time, assess all monies necessary for the rebuilding, repairing and good management of the corporate estate; and may, after ten days notice, sell, at public vendue, the share or shares of any proprietors, neglecting to pay said assessments; *provided,* Assessments. Proviso. that no assessments shall be made, at any meeting, unless the same be agreed to by two thirds, at least, in number and value of those present, or represented at such meeting.

SEC. 5. *Be it further enacted,* That said Peele, or said Dodge, may call a meeting of said corporation, by advertising the same, in any newspaper printed in Salem, ten days, at least, before said meeting: And said corporation may, at any such, or other meeting, agree on the mode of calling future meetings, and may elect Meetings. a President and Clerk, and the same remove as the said corporation shall see fit.

[Approved by the Governor, February 7th, 1820.]

CHAP. CCXVIII.

An Act to incorporate a Religious Society, in the Town of Waterville.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Asa Reddington, Moses Appleton, Thomas Parker, John Partridge, David Ross, Joseph Hitchings, Hall Chase, Hezekiah Stratton, Junior, James Crommett, Junior, Isaac Stevens, Moses Dalton, William Dalton, Nathaniel B. Doe, Russell Blackwell, Timothy Boutelle, Kendall Nich- Persons incorporated.

ols, Lemuel Stilson, Asa Dalton, Ebenezer Nelson, John Burleigh, David Parker, John Turney, Junior, Joseph Ricker, Daniel Fairfield, James Trafton, David Nours, Lemuel Pullen, Daniel Moor, Moses H. Pike, Lemuel Dunbar, Nancy Wright, David Webb, Ephraim Getchell, Gilbert Whitman, Daniel Wells, Jedediah Morrill, Martha Miller, Benjamin Clement, Dexter Pullen, and James Pullen, with their families and estates, together with such others as may hereafter associate with them, and their successors, be, and they hereby are incorporated into a religious society, by the name of the Waterville Institution Society, with all the powers, privileges, rights and immunities, to which religious societies are entitled, by the constitution and laws of this Commonwealth.

Conditions of
Membership.

SEC. 2. *Be it further enacted*, That any person, who may be desirous of becoming a member of said society, and shall declare such intention, in writing, given in to the Clerk of the same, fifteen days previous to the annual meeting of said society, and shall receive a certificate, signed by said Clerk, that he or she has become a member of said society, such person, shall, from the date of such certificate, be considered, with his or her polls and estate, to be a member of said society.

Conditions of
secession.

SEC. 3. *Be it further enacted*, That when any member of said society, shall see cause to leave the same, and shall give notice of such intention, in writing, to the Clerk of said society, he or she shall be entitled to receive from said Clerk, a certificate, that he or she, has ceased to be a member of said society, such person shall, with his or her polls and estate, be considered as being discharged from said society; *provided, however*, that every such person shall be held to pay his or her proportion of all charges and taxes, legally assessed upon them, previous to their leaving said society.

Meetings.

SEC. 4. *Be it further enacted*, That any Justice of the Peace, for the County of Kennebec, upon application therefor, is hereby authorized to issue his warrant, directed to any member of said society, requiring him to notify and warn the members thereof, to meet at such convenient time and place, as shall be appointed in said warrant, to choose such officers, as parishes

are, by law, empowered and required to choose, at their annual meeting.

[Approved by the Governor, February 7th, 1820.]

CHAP. CCXIX.

An Act to relieve towns from the expenses of supporting persons imprisoned for debt.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That when any person, committed to prison on mesne process, or execution, in any civil action, shall obtain the liberties of the prison yard, such person shall not be deemed and considered a pauper, so long as he or she shall be at large within the limits of the prison yard, nor shall the town to which such debtor belongs, nor the Commonwealth, in case such debtor has no place of legal settlement therein, be charged with his or her support.

Persons having the liberty of the yard, not to be considered paupers.

SEC. 2. *Be it further enacted,* That every town or district, which shall be liable for, and shall have paid any of the charges of maintaining, in close prison, any person as a pauper, hereafter committed on mesne process, or execution, in any civil action, may recover the same in an action at law against the creditor, at whose suit such debtor shall have been committed, and for the time he shall continue so imprisoned, at the suit of such creditor, at the rate of one dollar and twenty five cents, for the support of such debtor, per week; and such creditor shall also be liable to the Commonwealth for similar expenses incurred by the Commonwealth: *Provided, however,* that said creditor may, at any time, discharge his debtor, committed as aforesaid, from prison, and such discharge shall not operate to release the debtor from the debt and costs on which he was committed; but such debt and costs, together with all sums which the creditor may have paid for the support of the debtor, in manner as herein before provided, shall be, and remain a legal claim against the goods and

Creditor to pay Board.

Proviso.

estate of the debtor, his or her body being forever thereafter exempted from arrest therefor.

SEC. 3. *Be it further enacted*, That the keeper of the prison shall be entitled to receive at and after the rate of one dollar and twenty five cents per week, and no more, for the support of each debtor, being a pauper, in close confinement.

SEC. 4. *Be it further enacted*, That no part of this act shall apply to any commitment for debts contracted, or for any cause of action which shall accrue on or previous to the fourteenth day of March next.

Limitation.

[Approved by the Governor, February 5th, 1820.]

CHAP. CCXX.

An Act to annex John W. Perry, with his family and estate, to the Town of Natick.

Persons set off.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John W. Perry, with his family and estate, be, and hereby is set off from the Town of Sherburne, and annexed to the Town of Natick; and shall there exercise and enjoy all his rights and privileges, as an inhabitant of the said town, and shall also be subject to the same duties and requisitions as the other inhabitants of the said town of Natick: *Provided, however*, that the said John W. Perry shall be holden to pay his assessments of all county, town and parish taxes and expenses, assessed upon him, and remaining unpaid, prior to the passing of this act.

[Approved by the Governor, February 7th, 1820.]

CHAP. CCXXI.

An Act to change the name of the West Congregation-
al Society, in Dracut.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the West Congregational Society, in Dracut, in the County of Middlesex, shall, after the passing of this act, be called and known by the name of the Presbyterian Church and Society, Name changed. in Dracut.*

[Approved by the Governor, February 7th, 1820.]

CHAP. CCXXII.

An Act to change the name of the Hopkinton and Framingham Cotton Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the name of "The Hopkinton and Framingham Cotton Manufacturing Company," at Hopkinton, in the County of Middlesex, be, and hereby is changed, to the Middlesex Factory Company; and shall, from and after the first day of March next, be called and known by this name.*

[Approved by the Governor, February 7th, 1820.]

CHAP. CCXXIII.

An Act to prevent the destruction of Fish in the several Ponds, in the town of Haverhill.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That, from and after the*

Prohibition of
taking Fish.

passing of this act, no person shall take, catch, or kill any pickerel, or other fish, in the several ponds, in the Town of Haverhill, in the County of Essex, with any instrument whatever, at any time between the first day of December, in each year, and the first day of May, following; and no person shall catch, kill, or destroy, any pickerel, or perch, in said ponds, or in the several brooks, running into or out of the same, with any spear, grapple, seine, net, or pot, at any time after the passing of this act. And every person offending against the provisions of this act, shall, for each and every offence, forfeit and pay the sum of two dollars, to be recovered with costs of suit in an action of debt, by any person or persons, who shall sue for the same, to his or their use, before any Justice of Peace, within and for the County of Essex.

Penalties.

Privilege.

SEC. 2. *Be it further enacted*, That the inhabitants of Haverhill, aforesaid, may, at their annual meeting, in March or April, in any year, by vote, suspend the operation of the prohibitions and restrictions, contained in the first section of this act, or any part of the same, for any term of time, not exceeding one year, as to them shall seem expedient.

[Approved by the Governor, February 7th, 1820.]

CHAP. CCXXIV.

An Act to incorporate the Ashburnham Leather Manufactory.

Persons incor-
porated.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joseph Jewett, Stephen Corey, Hosea Stone, Fitch Crosby, Asahel Corey and Abraham T. Lowe, together with such others, as may hereafter associate with them, be, and they are hereby incorporated as a company, by the name of the Ashburnham Leather Manufactory, for the purpose of manufacturing all kinds of morocco and other leather, in the Town of Ashburnham, in the County of Worcester;

and for this purpose, shall have all the powers and privileges, and be subject to all the duties and requirements, prescribed in an act, passed the third day of March, eighteen hundred and nine, entitled, "an act defining the general powers and duties of manufacturing corporations," and of the several acts supplementary thereto.

SEC. 2. *Be it further enacted*, That the said company may be lawfully seized of such real estate, not exceeding the value of ten thousand dollars, and such personal estate, not exceeding the value of thirty thousand dollars, as may be necessary and convenient for establishing and carrying on the manufacture of morocco, and all other sorts of leather, in the said Town of Ashburnham.

[Approved by the Governor, February 7th, 1820.]

CHAP. CCXXV.

An Act to incorporate the Proprietors of Dead River Dam.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Stanchfield, Stillman Howard, Simcon Foss, William Gott, John Francis, Solomon Lathrop, Zebulon P. Miller, Charles Knapp, Elias Lane, Peter Lane, Levi Foss, and Isaac Gould, together with such others, as may hereafter associate with them, and their successors and assigns, shall be a corporation, by the name of the Proprietors of Dead River Dam; and by that name, may sue and be sued to final judgment and execution; and may do and suffer all such matters, acts and things, which bodies politic may and ought to do and suffer: And that said corporation shall have full power and authority to make, have and use a common seal, and the same to break, alter and renew at pleasure. And the said corporation shall, and they are hereby authorized to erect,

Proviso.

and keep a dam across Dead River, in the Town of Leeds, in the County of Kennebec, where the Centre Bridge (so called,) now stands: *Provided, however,* that the dam, so to be erected, shall in no way interfere with the rights of any person or persons, who now have, or may hereafter have a right to build a canal, to connect the waters of Wilson Pond with the waters of the Androscoggin Pond or River. And that, whenever the waters of the Androscoggin Pond, shall be connected with the waters of the Wilson Pond, by a canal, this act shall cease to have effect; and the dam to be erected, under the authority of this act, may be removed by order of the Court of Sessions for the County of Kennebec, or by the proprietors of the canal, connecting the waters of the Wilson and Androscoggin Pond.

First meeting.

SEC. 2. *Be it further enacted,* That any Justice of the Peace, for said County of Kennebec, be, and he is hereby authorized and empowered, upon application of any three of said proprietors, to issue his warrant for calling the first meeting of said proprietors.

[Approved by the Governor, February 7th, 1820.]

CHAP. CCXXVI.

An Act to incorporate the First Universalist Society, in Westminster.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Heman Ray, Joshua Moor, Caleb Wetherbee, Henry Coolidge, Caleb Lincoln, Jesse Spaulding, Daniel Lincoln, Elias Blodget, Isaac Blodget, Jonas Winship, Jonas Holden, Jonas Winship, Junior, Silas Smith, Junior, Merari Spaulding, Cyrus Winship, Joseph Howard, Asa W. Rand, Zechariah Whitman, Charles Smith, Jonathan Whitman, Joseph Beaman, Junior, Moses Mosman, Benjamin Seaver, Zebina Spaulding, Caleb Wilder, John Mosman, Stillman Brooks, Joel Baker, Abner Holden,

Levi Sawyer, and Jacob Sawyer, with their families, polls, and estates, together with such others as may hereafter associate with them, and their successors, be, and they are hereby incorporated into a religious society, by the name of the First Universalist Society, in Westminster, with all the privileges, powers, rights, ^{General powers.} and immunities, to which other parishes are entitled, by the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That when any person in Westminster, or the adjoining towns, may incline to join said Universalist Society, by signifying such, ^{Conditions of membership.} his or her desire, in writing, to the Clerk of the town, or society, to which he or she may belong, and by notifying thereof the Clerk of said Universalist Society, he or she, together with his or her polls and estate, shall be considered to belong to said society, in the same manner as if incorporated, by name, in this act. And whenever any person belonging to said society shall incline to withdraw therefrom, by signifying such, ^{Conditions of secession.} his or her desire, in writing, to the Clerk of said Universalist Society, and by notifying thereof, the Clerk of the town in which he or she resides, he or she, with his or her polls and estate, shall be discharged from said Universalist Society: *Provided, however,* that, in either case, such person shall be liable to pay his or her proportion of all assessments on the members of the society, made and not paid, previous to the leaving such society.

SEC. 3. *Be it further enacted,* That either of the Justices of the Peace, for the County of Worcester, upon application therefor, is authorized to issue his warrant, directed to some member of said society, requiring him to warn the members thereof, to meet at ^{Meeting.} such time and place, as shall be appointed in said warrant, to choose such officers as parishes are, by law, empowered and required to choose, at their annual meetings.

[Approved by the Governor, February 7th, 1820.]

CHAP. CCXXVII.

An Act to incorporate the Trustees of Saint Peter's Charity Fund, in the Town of Newburyport.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Jonathan Gage, Joshua Greenleaf, Stephen Howard, Jacob Perkins, Eleazer Johnson, and Enoch Plumer, with their associates and successors, be, and they are hereby constituted and made a corporation, by the name of the Trustees of Saint Peter's Charity Fund, in Newburyport; and the said Trustees are hereby vested with all the powers and privileges, and shall also be subject to all the duties and liabilities, incident to other charitable institutions.

Persons incor-
porated.

SEC. 2. *Be it further enacted,* That the said Trustees shall have power to receive, possess, and hold, by gift, grant, or purchase, any real or personal estate; *provided,* the value thereof shall not exceed ten thousand dollars; and may employ the income, interests, and profits, arising from such estate, in acts of charity and benevolence, and for no other use whatever; and no donation shall exceed ten dollars at any one time. And the said Trustees may make and establish such rules and by-laws, as they may, from time to time, think necessary for the better management and administering the said charity; *provided,* such rules and by-laws shall not be contrary to the constitution and laws of this Commonwealth.

General pow-
ers.

By-Laws.

SEC. 3. *And be it further enacted,* That the first meeting of the said Trustees may be convened by a warrant from any Justice of the Peace, for the County of Essex, upon application therefor, directed to one of the persons named in this act, requiring him to notify and warn the members of said corporation, to meet at such convenient time and place, as shall be appointed in the said warrant, to organize the said corporation. by the election and appointment of its officers.

Meeting.

[Approved by the Governor, February 7th, 1820.]

CHAP. CCXXVIII.

An Act to incorporate the Town of Hartland.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the township, numbered three, in the County of Somerset, commonly called the Warren Towns, as described by the following boundaries, be, and hereby is incorporated and established as a town, by the name of Hartland: west by Cornville, north by Athens and Harmony, east by St. Albans and Palmyra, southerly by the L of Palmyra, so called; thence from the west line of said L, to the southeast corner of Cornville, including the mile and half strip. And the inhabitants of the said Town of Hartland, are hereby vested with all the corporate powers and privileges, and shall also be subject to the like duties and requisitions of other corporate towns, according to the constitution and laws of this Commonwealth. And any Justice of the Peace, for the County of Somerset, is hereby empowered, upon application therefor, to issue a warrant, directed to a freehold inhabitant, requiring him to notify and warn a meeting of the freeholders and other inhabitants of the said Town of Hartland, to meet at such convenient time and place, as shall be appointed in said warrant, for the choice of such officers as towns are, by law, empowered and required to choose, at their annual town meetings.

[Approved by the Governor, February 7th, 1820.]

CCXXIX.

An Act authorizing the appointment of Firemen, in the Town of Boston.

SEC. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Selectmen of the

Number limited

Town of Boston, for the time being, be, and they are hereby authorized and empowered, if they judge it expedient, as soon as may be, after the passing of this act, to nominate and appoint a number of suitable persons, not exceeding thirty, who shall continue in office during the pleasure of the Selectmen of said town, whose duty it shall be, under the direction of the Firewards of said town, to attend fires therein, and the vicinity, with axes, ladders, firehooks, and such implements and apparatus, for the extinguishment of fires, and the preservation of persons and property, as may be provided for that purpose, and placed under their care; and to perform such further duty, as such Selectmen shall, from time to time, prescribe.

Organization of Companies.

SEC. 2. *Be it further enacted*, That the Firemen, so appointed, shall and may be organized into one or more distinct companies, under the direction of such Selectmen; and each of said companies is hereby authorized to meet together some time in the month of May, annually; at which meeting, they shall have authority to choose a Master or Director, and Clerk of such company, and establish such rules and regulations respecting their duty as Firemen, as may be approved by such Selectmen, and to annex penalties for the violation of the same, which may be recovered by the Clerk of such company, before any Justice of the Peace for the County of Suffolk; *provided*, that no such penalty shall exceed the sum of six dollars and sixty-seven cents, and that such rules and regulations shall not be repugnant to the laws of this Commonwealth.

Monthly Meetings.

SEC. 3. *Be it further enacted*, That the respective companies of Firemen, who may be nominated and appointed in pursuance of this act, shall be held and obliged to meet together once a month, and oftener, if necessary, for the purpose of inspecting and examining the fire hooks, ladders, and other implements and apparatus which may be placed under their care, management, and superintendence, and the appendages belonging to the same, and seeing that the same are in good repair, and ready to proceed, on any emergency, to the relief of any part of the community which may be invaded by the calamity of fire. And the Firemen appointed as aforesaid, shall be held and obliged to go

forward, under the direction of the Firewards of said town, and to use their best endeavors to extinguish and prevent the spreading of any fire, which may happen in said town, or in the vicinity thereof, and which shall come to their knowledge, without delay ; and also to use their best exertions for the preservation of all persons and property which may be exposed to danger thereby.

SEC. 4. *Be it further enacted*, That the persons who may be appointed Firemen in pursuance of this act, shall be, and they are hereby exempted from common Exemption. and ordinary military duty, and from serving as Jurors, or in the office of Constable, during the time they may be employed in the service aforesaid.

SEC. 5. *Be it further enacted*, That if any one, who may be appointed, pursuant to the provisions of this act, shall, in the opinion of such Selectmen, be negligent or remiss in the duties required of him, as a Fireman, by this act, or by any rules and regulations which may be prescribed and made in pursuance thereof, it shall be the duty of such Selectmen, upon sufficient evidence thereof, to discharge him from such company, and from his office and duty, as a Fireman ; and there- Discharge for neglect of duty. upon to proceed and appoint another person in his room, in the manner herein before directed.

[Approved by the Governor, Februry 7th, 1820.]

CHAP. CCXXX.

An Act to incorporate the Episcopal Church of Saint Thomas, in Taunton.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Ichabod Leonard, Levi Leonard, David Burt, James Burt, 2d, Oliver Danforth, and Galen Hicks, together with such others as have associated, or may hereafter associate with them, and their successors, with their polls and estates, be, Persons incor-
porated.

General powers.

and they hereby are incorporated into a society or body politic, by the name of the Episcopal Church of Saint Thomas, in Taunton, with all the powers and privileges, and subject to all the duties and restrictions of other religious societies, according to the constitution and laws of this Commonwealth, and the rights and usages of the Protestant Episcopal Church, in the United States.

Conditions of membership.

SEC. 2. *Be it further enacted*, That if any other person or persons, shall hereafter incline to associate with the said Episcopal Church, in Taunton, and shall leave a certificate of the same, signed by the Rector, Clerk, or Committee of said church, with the Clerk of the town or parish, to which he or they may respectively belong, he or they, with his or their polls and estates, shall be considered as members of the Episcopal Church aforesaid. And if any person or persons shall hereafter see cause to leave the said Episcopal Church of Saint Thomas, and unite with any other religious society or parish, and shall leave with the Rector or Clerk, of the Episcopal Church aforesaid, a certificate of the same, signed by the Minister, Clerk or Committee of such other parish or religious society, with which he or they may have united, he or they, with his or their polls and estates, shall be discharged from said Episcopal Church, and annexed to the parish or society, with which he or they may have united as aforesaid.

Terms of secession.

Society's funds.

SEC. 3. *Be it further enacted*, That said Episcopal Church aforesaid, be, and they hereby are empowered to raise and establish a fund, the annual income or interest of which shall not exceed the sum of two thousand dollars ; and for this purpose, may take and hold, by gift, grant, or otherwise, any estate, real or personal, and manage, lease, sell and dispose of the same ; the income and interest of which, or so much thereof as shall be necessary, shall be appropriated and applied, at the discretion of the said society, to the support of a Protestant Episcopal Priest or Priests, in said society. And the Warden and Vestry of the said society, for the time being, shall have the management of the said fund and estate, pursuant to the votes of the said society, and subject, at all times, to account with them.

SEC. 4. *Be it further enacted*, That the said society

shall, at a meeting duly called for that purpose, elect a Rector, whenever they shall think it expedient, who shall be inducted according to episcopal usage. Rectorship.

SEC. 5. *Be it further enacted,* That the annual meeting of the said society, shall be on Easter Monday, at such hour and place, as the Wardens, for the time being, shall direct and notify; at which meeting, the said society shall choose two Wardens, three or five Vestry Men, a Treasurer, Clerk, and other necessary officers, who shall continue in office one year, and until others are chosen and qualified; and special meetings may be called and notified in the same manner, by the Wardens, as parish meetings are called and notified by Parish Assessors or Committees. Officers to be chosen.

SEC. 6. *Be it further enacted,* That the Treasurer of the said society shall give bond, with sureties, to the satisfaction of the Wardens and Vestry, for the faithful performance of his duties, in the penal sum of two thousand dollars, and shall receive the rents and monies of the said society, and shall have the custody of all leases, and other written evidence of contracts, and debts due to them; and he shall, annually, and whenever required by the Wardens and Vestry, exhibit to them, to be submitted to the society, a detailed account of all monies by him received and paid, and of the state of said fund. Treasurer to give bonds.

SEC. 7. *Be it further enacted,* That all deeds of pews in the church, which may be erected by the said society, shall be recorded within three months after the same are executed, in the books of the Clerk of the said society, and need not be recorded in the office of the Town Clerk, or Register of Deeds. Pews to be registered.

SEC. 8. *Be it further enacted,* That any Justice of the Peace, for the County of Bristol, is hereby authorized, upon application of either of the persons named in this act, to issue his warrant, requiring such person applying as aforesaid, to notify a meeting of the members of the Episcopal Church aforesaid, at such convenient time and place, as shall be appointed in said warrant, for the election of such officers and transacting such other business as may be necessary, for the due organization of said society. First Meeting.

[Approved by the Governor, February 7th, 1820.]

CHAP. CCXXXI.

An Act to alter the time for holding the Court of Sessions, in the County of Franklin.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the term of the Court of Sessions, now, by law, established to be holden at Greenfield, within and for said County of Franklin, on the third*

Time of holding
Court, altered.

Tuesday of November, shall be holden on the first Tuesday of September, any law to the contrary notwithstanding.

[Approved by the Governor, February 7th, 1820.]

CHAP. CCXXXII.

An Act to incorporate the First Congregational Society, in Lubec.

SEC. 1. BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Faxon, Joseph Sumner, Jabez Mowry, H. G. Balch, Moses Fuller, S. Clapp, Daniel Young, William Chaloner, Samuel Miars, Joseph Whitney, Nehemiah Small, William Phelps, Hiram Bosworth, Joseph Foster, and their associates, or successors, be, and they hereby are incorporated and made a body politic and religious society, by the name of the First Congregational Society, in Lubec; and by that name may sue and be sued, and shall have, and be invested with all the powers, privileges, and immunities, to which other religious corporations in this Commonwealth are entitled by law; and shall be capable of purchasing and holding estate, real and personal, the annual income of which shall not exceed five thousand dollars, exclusive of their meeting house, and the land whereon the same stands.*

Persons incor-
porated.

General pow-
ers.

SEC. 2. *Be it further enacted*, That the said society be, and they are hereby authorized and empowered to raise, from time to time, by a tax upon the pews in their said meeting house, such sum or sums of money, for the building or repairing their meeting house, settling and maintaining a Minister, and defraying all other expenses of public worship, with incidental charges, as they may agree; or otherwise, monies, for the purposes aforesaid, may be raised and collected, in the same way and manner as other religious societies are, by law, authorized to do. And when any tax shall be assessed upon the pews, the society shall cause a valuation thereof to be made, by the Assessors of the society, so often as the society shall think proper. And the said Assessors shall number and appraise the pews, respectively, according to their situation and rank, and shall make a list of such valuation, and shall assess and apportion the sums, voted to be raised by the said society upon the said pews, according to the last valuation thereof as aforesaid, and shall deliver an attested copy of the same to the Clerk of the society, who shall make and keep a record thereof, for the use and inspection of said society.

SEC. 3. *Be it further enacted*, That whenever any owner, or occupier, of any pew, in said meeting house, shall neglect or refuse to pay the tax or taxes assessed upon their pew or pews, the Collector of any such tax, to whom the same is committed, shall have power, and he is hereby fully authorized to demand and receive the same of any such owner or occupant thereof; and if payment of such tax is neglected to be made, for thirty days after notice given and demand made, by any such Collector as aforesaid, of the owners or occupants, when known, and living in said town, or by an advertisement, posted upon the door of said meeting house, when the owners or occupants are unknown, or not living in said town, (of all which the Collector's oath shall be sufficient evidence,) such Collector shall have power to sell such pew or pews, at public vendue, to the highest bidder, notice being given of the time and place of sale, in manner aforesaid; and of the pew or pews to be sold, and the number of the same, four days, at least, before the time of such sale, and

Pew Taxes.

Pews liable for Taxes.

after the expiration of said thirty days. And such Collector shall have power, if he see fit, to adjourn such sale, from time to time, not exceeding three times, nor beyond thirty days from the first day of sale; and shall also make and execute a deed of every such pew, thus sold, which deed shall be recorded by the Clerk of said society. And such deeds shall completely vest all such owners interested in such pew or pews, in the purchaser, together with the lands thereunto attached, in said society; and the overplus, (if any,) when the tax or taxes are deducted, and all the legal costs of sale, shall be immediately paid over to the owner.

Power of Collectors.

SEC. 4. *Be it further enacted*, That the Collector of said society shall receive suitable warrants, for the collection of any such tax, from the Assessors, and shall have the same powers to collect the taxes of said society, as Collectors of town taxes have, by law; and shall observe the same directions in collecting and paying over the money, as town Collectors are bound to observe.

Qualification of Voters.

SEC. 5. *Be it further enacted*, That in every question which involves the property of said society, no person shall be considered a legal voter, but actual proprietors, or their agents, legally authorized; and the proprietor or proprietors of each pew, in said house, shall be entitled to one vote, for each pew, upon all such questions.

Annual Meeting.

SEC. 6. *Be it further enacted*, That any Justice of the Peace, in the County of Washington, be, and hereby is authorized to issue his warrant, directed to some suitable person who is a member of the said First Congregational Society, requiring him to warn and notify the members thereof, to meet at such time and place, in said Town of Lubec, as shall be directed in said warrant, to choose such officers, as parishes and other religious societies in this Commonwealth, are, by law, authorized to choose, in the month of March or April, annually.

[Approved by the Governor, February 7th, 1820.]

CHAP. CCXXXIII.

An Act to annex Thomas Keyes, with his family and estate, to the Town of West Boylston.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That* Thomas Keyes, with his family and estate, be, and hereby are set off from the Town of Boylston, and annexed to, and made a part of the Town of West Boylston ; and shall there exercise and enjoy all the rights and privileges, and shall also be subject to all the duties and requisitions as other inhabitants of the said town of West Boylston.

[Approved by the Governor, February 10th, 1820.]

CHAP. CCXXXIV.

An Act to set off a part of the Town of Shapleigh, and annex the same to the Town of Sanford.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That* the following described parcels of land, viz. : two hundred acres formerly belonging to Kendal ; three hundred and sixty nine acres, purchased of this Commonwealth by William Frost, Junior ; and so much of the three hundred acres granted to John Lydston, as was formerly owned and possessed by the said William Frost, Junior, which lands are now a part of the Town of Shapleigh, in the County of York, shall be, and they, with the inhabitants and their estates thereon, hereby are set off, from the said Town of Shapleigh, and annexed to the Town of Sanford, in said County : *Provided, however,* Description of Lands, set off. that the said lands, inhabitants and estates respectively, shall be holden to pay to the said Town of Shapleigh Proviso.

their just proportion of all unpaid taxes, heretofore voted, or assessed, on or by the authority of the Town of Shapleigh.

Taxes set off.

SEC. 2. *Be it further enacted*, That in all future state and county taxes, until a new valuation shall be taken and settled, one twenty fifth part of the taxes which would have been set to the Town of Shapleigh, according to the last valuation, shall be set to the Town of Sanford.

[Approved by the Governor, February 10th, 1820.]

CHAP. CCXXXV.

An Act to extend the provisions of an Act for incorporating the proprietors of the Kennebunk Pier, and to annex the Harding Wharf thereto.

Extension of time.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the further term of ten years from the expiration of the last limitation be, and hereby is granted to the proprietors of the Kennebunk Pier, according to the provisions of the original act of incorporation, passed the second day of February, seventeen hundred and ninety eight.

SEC. 2. *Be it further enacted*, That the Harding Wharf, so called, lying near the said pier, be, and hereby is annexed to and made a part of said property; and the proprietors of the said pier shall be holden to put and keep the said wharf in sufficient repair, during the said term of ten years.

[Approved by the Governor, February 10th, 1820.]

CHAP. CCXXXVI.

An Act to incorporate the Freewill Baptist Society, in Eastport.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Sylvanus Appleby, John Babcock, John Burgin, Jerry Burgin, Alexander Capen, Thomas Haycock, Joshua Hinckley, John C. Lincoln, Robert Mowe, Darius Olmstead, Ethel Olmstead, Charles Peavey, John Shackford, and William Shackford, together with such as may hereafter associate with them, and their successors, be, and they hereby are incorporated, for religious purposes only, into a society, by the name of the Freewill Baptist Society, in Eastport, with all the powers, privileges and immunities, to which other religious societies are entitled, by the constitution and laws of this Commonwealth; and said corporation is hereby authorized and empowered to take, purchase and hold, all real and personal estate necessary and convenient for the purposes aforesaid.

Persons incorporated.

SEC. 2. *Be it further enacted,* That said society be, and the same is hereby authorized, at a meeting held for the purpose, to raise such sums of money as it may think needful for the support of public worship, building and repairing meeting houses, and other purposes incident to the authority given by this act, by an equal assessment upon all the pews and seats in any meeting house which may hereafter belong to it. And if any proprietor of any pew or seat shall neglect or refuse to pay any assessment which may be made upon his pew or seat, within one year from the time he shall be notified thereof, the Treasurer of said society may sell, at public auction, all the right and interest said delinquent proprietor may have in any seat or pew, after giving notice of the time and place of sale, at least fourteen days previous thereto, by notifications, in writing, posted at all the doors of the meeting house of said society. And after deducting the amount of the assess-

Money to be raised.

Delinquents' Pews to be sold.

ment, with legal interest thereon, from the time it became due, and all costs and charges, the said Treasurer shall pay the balance, if any, over to said delinquent proprietor. And said Treasurer is hereby authorized and empowered, upon the sale aforesaid, to execute and deliver a deed of conveyance, to the purchaser of the pew or seat, which deed shall be good and valid in law.

By-Laws.

SEC. 3. *Be it further enacted*, That said society may order and establish such regulations, rules and by-laws, for its government, and for the management of its concerns, as may be thought fit; *provided*, the same are not repugnant to the laws of this Commonwealth.

Meeting.

SEC. 4. *Be it further enacted*, That any Justice of the Peace, for the County of Washington, be, and he hereby is authorized to issue his warrant to some member of said society, requiring him to warn the members thereof to meet at such convenient time and place, as shall be therein directed, to choose a Moderator, Clerk and Treasurer, and such other officers as they may think needful; and the Moderator so chosen, and the Moderators chosen at all future meetings, shall have authority to administer the oath of office to the Clerk and all other officers, of whom an oath is required by law.

[Approved by the Governor, February 12th, 1820.]

CHAP. CCXXXVII.

An Act to incorporate the First Baptist Society, in Portland.

Persons incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Thomas Beck, Mark Harris, and Benjamin Hsley, together with such others as may hereafter associate with them, and their successors, be, and they are hereby incorporated into a religious society, by the name of the First Baptist So-

ciety, in Portland, with all the powers and privileges, belonging to other religious societies, according to the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That any inhabitant of the said Town of Portland, who may hereafter desire to join in religious fellowship with the said Baptist Society, shall have a right so to do, by declaring such Conditions of Membership. desire and intention, in writing, and delivering the same to the Minister or Clerk of the said Baptist Society, fifteen days before the annual meeting thereof; and shall also deliver a copy of the same to the Town Clerk, or to the Clerk of any other religious society, with which such person has been before connected, fifteen days before the annual meeting thereof; and if such person can produce a certificate of admission, signed by the Minister and Clerk of said society, purporting that he or she has united with and become a member of said Baptist Society, such person, from the date of said certificate, with his or her polls and estate, shall be held and considered to be members of the said First Baptist Society, in Portland; and shall be exempted from taxation towards the support of any other religious society, in the town or parish where such person may dwell.

SEC. 3. *Be it further enacted*, That when any member of the First Baptist Society, in Portland, may see cause to secede therefrom, and to unite with any other religious society, in the said Town of Portland, the same forms and process of a written declaration and certificate shall be made, required, and given, *mutatis mutandis*, as is prescribed and required in the second section of this act: *Provided, always*, that in every case of secession from one society, and joining another, the person so seceding, shall be holden, in law, to pay his or her proportion, or assessment, of all parochial or society debts and expenses, which have been voted and assessed, and not paid, prior to such secession. Terms of secession.

SEC. 4. *Be it further enacted*, That any Justice of the Peace, for the County of Cumberland, be, and he is hereby empowered to issue his warrant, directed to one of the persons named in this act, requiring him to notify and warn the members of the said Baptist Society, to meet at such convenient time and place as shall Meeting.

be appointed in the said warrant, to organize the said society, by the election and appointment of its officers.

[Approved by the Governor, February 12th, 1820.]

CHAP. CCXXXVIII.

An Act authorizing the Worcester and Stafford Turnpike Corporation to remove the two westerly gates on said turnpike road.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the proprietors of the Worcester and Stafford Turnpike Corporation be, and they are hereby authorized to remove the westerly gate on said turnpike road, easterly from where it is now located, to some convenient place, not exceeding five miles; and likewise to remove the middle gate, (so called,) on said road, not exceeding three fourths of a mile, either way, from the place where it is at present located: Provided, that said gates shall not be erected on any town or county road; and that, hereafter, they shall be authorized and empowered to demand and receive from all travellers, passing said gates so removed, the usual rates of toll established and provided to be taken and received by the general turnpike law, any thing in the general turnpike law to the contrary notwithstanding.*

Gate removed.

Toll.

[Approved by the Governor, February 12th, 1820.]

CHAP. CCXXXIX.

An Act in addition to an Act, entitled, "An Act to divide the Town of Greenwich into two parishes."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That instead of the words, "thence west, to the west line of lot numbered seventeen," contained in the first section of the act, passed on the twenty first day of June, in the year of our Lord one thousand seven hundred and eighty seven, entitled "an act to divide the Town of Greenwich, into two parishes," said line be known and described as follows, viz.: east, to the west line of lot, numbered seventeen.

[Approved by the Governor, February 15th, 1820.]

CHAP. CCXL.

An Act to incorporate the First Congregational Society, in Eastport.

SEC. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Jonathan D. Weston, Ezekiel Prince, Ezra Whitney, Micajah Hawks, together with such others as may hereafter associate with them, and their successors, be, and they are hereby incorporated as a religious society, by the name of the Proprietors of the First Congregational Meeting House, in Eastport; and are hereby vested with all the powers and privileges, and subject to all the duties and requisitions, of other parishes, or religious societies, according to the constitution and laws of this Commonwealth.

SEC. 2. Be it further enacted, That any inhabitant of the town of Eastport, who may be desirous of joining the said First Congregational Society, shall declare

Persons incorporated.

Conditions of Membership.

such desire and intention, in writing, fifteen days before the annual society meeting, and also deliver a copy of the same declaration to the Minister or Clerk of such other society as the said person formerly belonged to; and if such person receive and can produce a certificate thereof, signed by the Clerk or Committee of said society, that he or she has actually become a member of the said First Congregational Society, such person, with his or her polls and estate and family, shall be considered as members of said society.

Terms of seces-
sion.

SEC. 3. *Be it further enacted*, That when any member of the said First Congregational Society, may see cause to secede therefrom, and to unite with any other religious society, in said town of Eastport, such person shall have a right so to do, by declaring such intention, fifteen days before the annual meeting of such other society; and shall also deliver a copy of such declaration to the Committee or Clerk of the society from which he or she has so seceded, such person shall have, from the Clerk thereof, a certificate thereof, and shall be considered as released from said society, from the date of said certificate: *Provided, however*, that in every case of joining; or secession from one society and joining another, such person shall always be holden to pay his or her proportion of all parish or society taxes and expenses assessed, or not, prior to such secession.

First Meeting.

SEC. 4. *Be it further enacted*, That any Justice of the Peace, for the County of Washington, upon application therefor, is hereby empowered to issue a warrant, directed to one of the persons named in this act, requiring him to notify and warn the first meeting of the said proprietors, at such convenient time and place, as shall be appointed in said warrant, to organize the proprietors, by the election and appointment of their officers.

[Approved by the Governor, February 15th, 1820.]

CHAP. CCLXI.

An Act to incorporate the Trustees of the Methodist Religious Society, in Charlestown.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That William Grandville, James Burnet, Jonathan Ingals, William Swindell, William Haws, Moses Rand, Samuel Poor, Domingo De Castro, and John Lamb, be, and hereby are incorporated into a body politic, by the name of the Trustees of the Methodist Religious Society, in Charlestown; and by that name, they and their successors in office, shall be a corporation forever.

Persons incor-
porated.

SEC. 2. *Be it further enacted,* That the number of said Trustees shall, at no time exceed nine, six of whom shall constitute a quorum to do business. They shall annually, in the month of March, elect from their own body, a Treasurer, who shall have charge of the monies and security for monies, or other property belonging to the said Methodist Religious Society; also a Secretary, who shall keep a faithful record of all the votes and doings of the said Trustees. They shall have power to make such rules and by-laws, as may be necessary, for the management of their affairs, and the regulation of their officers, the raising of money for the support of their public teacher, and repairs of their chapel, and for calling their meetings from time to time, as are not repugnant to the constitution and laws of this Commonwealth.

General pow-
ers.

SEC. 3. *Be it further enacted,* That whenever there shall occur any vacancy in the Board of Trustees, by reason of death, resignation or removal from office, the Secretary, for the time being, shall notify and call a meeting of the remaining Trustees, as soon as may be; and the Minister, having the pastoral charge of said Methodist Religious Society, shall nominate suitable persons, being members of the said society; and from such nominations, the Trustees shall elect, and by a majority of votes, appoint a person to fill such vacancy, in order that the number of Trustees be nine, forever.

a Choice of Trus-
tees.

May hold Real
Estate.

Proviso.

SEC. 4. *Be it further enacted*, That the lands and other property that may be hereafter purchased by, or given unto the said Trustees, for the use and benefit of the said Methodist Religious Society, either for the support of the worship of God, or for the support of the poor of the said society, shall be confirmed to the said Trustees, and their successors in that trust, forever: And the said Trustees and their successors, may have and hold, in fee simple, by gift, grant, devise, bequest, or otherwise, any lands, tenements, hereditaments, or other estates, real or personal; *provided*, the annual income thereof shall not exceed the sum of two thousand dollars; and may sell and dispose of the same, and apply the rents and proceeds thereof, in such manner as shall best promote the end and design of the said Methodist Religious Society.

Power of Trustees.

SEC. 5. *Be it further enacted*, That the said Trustees may have one common seal, which they may at pleasure alter and renew; and all deeds, signed by the Treasurer and Secretary of said corporation, for the time being, and sealed with their seal, duly acknowledged, shall be good and valid in law; and the said Trustees may sue and be sued in all actions, real, personal, and mixed, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of the Methodist Society, in Charlestown.

First Meeting.

SEC. 6. *Be it further enacted*, That Jonathan Ingals be, and hereby is authorized, to fix the time and place of holding the first meeting of the said Trustees, and to notify them thereof accordingly.

[Approved by the Governor, February 15th, 1820.]

CHAP. CCXLII.

An Act to incorporate the Town of Ætna.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the tract of land, de-

scribed and bounded as follows, viz. : beginning at the southwest corner of the Town of Carmel, thence westerly, on the north line of the Town of Dixmont, to the southeast corner of Plantation Number Five, in the second range ; thence northerly, on the easterly line of said Plantation, to the Town of Newport ; thence easterly, on the south line of the said Town of Newport, and Plantation Number Three, in the third range, to the northwest corner of the said Town of Carmel ; thence southerly, on the westerly line of said Carmel, to the place of beginning, together with the inhabitants thereof, be, and hereby are incorporated into a town, by the name *Ætina* : And the inhabitants of the said town are hereby vested with all the powers, privileges and immunities, which the inhabitants of towns within this Commonwealth, do or may, by law, enjoy.

SEC. 2. *Be it further enacted*, That any Justice of the Peace, within and for the County of Penobscot, is hereby empowered to issue his warrant, directed to a freehold inhabitant of the said town, directing him to notify the inhabitants of said town, to meet at such time and place, as he shall appoint, to choose such officers, as other towns are empowered to choose, at their annual town meetings.

[Approved by the Governor, February 15th, 1820.]

CHAP. CCLXIII.

An Act in addition to an Act, entitled “ An Act for the preservation of the fish, called Alewives, in Wewantit River, in the County of Plymouth, and for regulating the taking said fish.”

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the twenty fifth day of June next, no person shall be liable to pay any penalty or forfeiture, for taking fish, called alewives, in Wewantit River, or in any pond or

stream, having connection therewith, from the twenty fifth day of June, to the fifteenth day of March, annually, any law to the contrary notwithstanding.

[Approved by the Governor, February 15th, 1820.]

CHAP. CCLXIV.

An Act to establish the jurisdictional line between the Towns of Groton and Dunstable.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the jurisdictional line between the Towns of Groton and Dunstable, in the County of Middlesex, be, and hereby is fixed and established, and the same hereafter is to be considered and known according to the bounds and monuments hereinafter mentioned and described, as follows, to wit :* beginning at a chesnut tree, marked, with stones about it, on the easterly bank of Nashua River, at the south-westerly corner of Henry Blood's land ; thence running southeasterly, to a dead pitch pine tree, marked, standing on the westerly side of Unquetanasset Brook, so called, with stones about it, being the same bound which is designated, at the southerly end of the line, marked number twenty three, on the plan of the present jurisdictional line, between the said towns ; thence running still southerly, to a stake and stones, on the easterly side of Unquetanasset Brook, so called, and on the southerly side of the Pepperell road, and near the Trough Bridge, so called, being the southerly end of the line, marked number thirty four, on said plan ; thence running southwestly, to a heap of stones, at the end of a large rock, called Break-Neck-Rock, being the southwestly end of the line, marked number thirty eight, on said plan ; thence running southerly to a pitch pine stump, with stones about it, near Pole Hill, so called, where a large pitch pine tree lately stood, on the northerly side of the road, leading from Groton to

Boundaries.

Dunstable, being the easterly end of the line, marked number fifty eight, on said plan ; thence running south-easterly, to a heap of stones, on a ledge of rocks, at the easterly end of the line, marked number seventy four, on said plan ; and thence running easterly, to a white birch tree, with stones around it, on a little island, the westerly side of Mashapoag Pond, so called, being the easterly end of the line, marked number eighty seven, on said plan.

SEC. 2. *Be it further enacted*, That all persons, of either of said towns, now seized and possessed of an inheritable estate therein, and their heirs only, shall be exempted from being taxed as non resident proprietors, by either of said towns, in consequence of the establishment of the above mentioned jurisdictional line, Exemptions. but not to exempt any person or persons from being taxed as non resident proprietors, who are now liable to be so taxed.

SEC. 3. *Be it further enacted*, That all persons who are now inhabitants of Groton, and will become inhabitants of Dunstable by the establishment of the line aforesaid, shall be deemed to have their legal settlement in Dunstable ; and all persons who have heretofore gained a legal settlement in Groton, by force of their residence, or occupation of the lands, or territories, that will, by the establishment of said line, belong to the Town of Dunstable, other than those who are now occupying or resident upon the said lands or territories, shall be deemed to have their legal settlement in Groton. Legal settlement.

[Approved by the Governor, February 15th, 1820.]

CHAP. CCXLV.

An Act to incorporate the Trustees of the Second Congregational Society, in Greenfield.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Jonathan Leavitt, Jerom Persons incorporated.

Powers of Trustees.

Ripley, Elijah Alvord, Eliel Gilbert, Samuel Wells, Ambrose Ames, and David Ripley, and their successors, be, and they are hereby made and constituted a corporation, by the name of the Trustees of the Ministerial Fund of the Second Congregational Society, in Greenfield; and by that name, to remain a corporation forever; capable and liable, in law, to sue and be sued in any action, real, personal, or mixed; and may have and hold, in fee simple, or otherwise, any estate, real and personal, to the value of fifteen thousand dollars; and may sell and convey the same, by deed or otherwise; and may appoint all such officers, as may be necessary, for the management of their affairs; and may make, adopt and execute all reasonable by-laws and regulations that may be necessary and proper, for the government of the said corporation, and not repugnant to the constitution and laws of this Commonwealth.

Management of Funds.

SEC. 2. *Be it further enacted*, That the said Board of Trustees shall have full power to receive and hold all money, notes, or other securities, now constituting the fund of the said society; and also, to receive and hold all gifts, grants, donations, or subscription, that may hereafter be made to increase said fund, and the same to manage and put on interest, and to apply the income and interest thereof, annually, for the support of the Minister of said society, forever: *Provided*, that no appropriation of any gift, grant, or donation, or the income thereof, shall ever be made contrary to the express intention and direction of the donor.

Quorum of Trustees.

SEC. 3. *Be it further enacted*, That the number of Trustees shall never be more than seven; that whenever they shall be reduced below that number, the vacancies shall be filled before they proceed to the transaction of any other business; that four shall be a quorum for doing business; that the said Trustees shall keep a fair record of all their proceedings, which shall be open to the inspection of any Committee appointed for that purpose, by said society: And that the said Trustees shall have power to fill all vacancies that may happen, by death, resignation, or otherwise.

Annual exhibition of Funds.

SEC. 4. *Be it further enacted*, That the said Trustees shall, annually, exhibit to the said society, a correct statement of the funds, in their possession, and of

the expenditure of the interest and income thereof, whenever the society may require it ; and they shall be liable, individually, in damages to the society, and to donors, for any waste, misapplication, or mismanagement of said funds ; and shall receive no compensation for their services, in managing the affairs of the said corporation, other than what shall be paid them by the said society.

SEC. 5. *Be it further enacted*, That whenever any one of the Trustees shall die, or resign, or shall become a member of any other church or society of christians, or shall cease to be a member of the Second Congregational Church or Society aforesaid, or in the judgment of a major part of the Trustees, shall be rendered incapable, by age, removal, or otherwise, of beneficially discharging the duties of said office, the Trustees shall declare his office vacant, and shall proceed, without delay, to elect some suitable person to fill such vacancy. Vacancies to be filled up. And all deeds and instruments, requiring a seal, which the Trustees shall have lawfully determined to make, shall be sealed with their seal, and being signed and acknowledged by the Treasurer of said corporation, shall bind the said Trustees and their successors, and be valid in law.

SEC. 6. *Be it further enacted*, That any Justice of the Peace, for the County of Franklin, is hereby authorized and empowered to issue his warrant, directed to one of the Trustees named in this act, requiring him to notify the first meeting of the said corporation, to organize the same, by the establishment of by-laws, and By-Laws the appointment of its officers.

SEC. 7. *Be it further enacted*, That it shall and may be lawful, for all deeds given, or hereafter to be given, on the sale of any pew in the Second Congregational Meeting House, in the Town of Greenfield, to be recorded, by the Clerk of said society, in a book to Records of Society. be especially provided for that purpose ; and all deeds, legally executed and recorded as aforesaid, shall be deemed sufficient in law, to pass the title thereto, any law, usage, or custom, to the contrary notwithstanding.

[Approved by the Governor, February 15th, 1820.]

CHAP. CCXLVI.

An Act in addition to an Act, entitled “An Act to incorporate the Boston Manufacturing Company.”

Capital Stock
increased.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Boston Manufacturing Company be, and the same is hereby authorized to increase its capital stock, by adding thereto, a sum equal to that permitted by the original act of incorporation, or any smaller sum ; and may purchase therewith real estate, not however, exceeding in value, one quarter part of the sum hereby permitted to be added, exclusive of buildings and improvements made by said corporation.*

[Approved by the Governor, February 15th, 1820.]

CHAP. CCLXVII.

An Act to change the name of the Methodist Society, in the First Parish in Lynn, in the County of Essex, and for other purposes.

Change of Title

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the name of the Methodist Society, in the First Parish in Lynn, in the County of Essex, shall cease, and the said society shall hereafter be known, and called by the name of the First Methodist Society, in Lynn.*

May choose
Trustees.

SEC. 2. *Be it further enacted, That the said society shall, in the month of April, annually, at a legal meeting for that purpose, by a major vote of the pew holders present, each pew holder having one vote, choose five Trustees, and three of said Trustees shall be a quorum for doing business ; and the said Trustees shall also, annually, elect from their own body, a Treasurer,*

who shall have charge of all the monies and securities for money, or other property belonging to the said Methodist Society ; and also, a Clerk, who shall keep a faithful record of all the votes and doings of the said Trustees, and record all deeds and transfers of pews, in a book, which shall be kept for that purpose ; and the Trustees, for the time being, shall have power to give deeds to pew holders, which deeds, after being recorded by the Clerk, shall be valid to all intents and purposes, as though they were recorded by the Register of Deeds, for the County of Essex. And the said Trustees may, on the behalf of the said Methodist Society, hold the lot of land, whereon they have lately built a meeting house, and such other estate, real and personal, as the said society may determine to possess, by purchase, or any donation or legacy, which may be made to the said society : *Provided*, that the annual income of the whole estate of the said society, beside the meeting house and the land under it, shall not exceed two thousand dollars : *Provided, also*, that the said meeting house shall always be free, for the use of the Ministers of the Methodist Episcopal Church, in the United States of America, who may, from time to time, be appointed by the annual conference, to preach and expound the word of God, in the said house ; to administer the government of the church, to hold society meetings, according to the rules of discipline, which are, or may be adopted by the general conference of the Ministers of the said church. And the said Trustees may sell and dispose of any property, belonging to the said society, and apply the rents, profits, income and proceeds thereof, in such manner, as will best promote the welfare of the said Methodist Religious Society ; and shall also have power to make and establish such rules and by-laws as may be necessary for the well ordering their affairs, the raising of money for the support of their public teachers, and repairs of their chapel, and for calling and notifying their society meetings, from time to time ; *provided*, such by-laws and rules, shall not be contrary to the constitution and laws of this Commonwealth.

SEC. 3. *Be it further enacted*, That all monies voted to be raised, for the support of the ministry and other

Quarterly Assessments.

incidental charges, in and upon said house, by a major vote of the pew holders therein, may be assessed quarterly, by the Trustees, upon the pews, according to the appraisal made upon them ; and any pew which may be deficient for three quarterly assessments, may be sold by the Trustees, at public auction, after giving fourteen days notice of the sale, by posting a notification at the door of said meeting house ; and after such deficiency, with incidental costs, shall be paid, the remainder of the proceeds shall be paid over to the proprietor of said pew ; and any pew holder shall be at liberty to sell his or her pew to one person only ; *provided*, all arrears are first paid.

Vacancies to be filled up.

SEC. 4. *Be it further enacted*, That whenever any vacancy may occur in the Board of Trustees, by reason of death, resignation or removal out of the town, or for any other cause, the Clerk, for the time being, shall notify, and call a meeting of the remaining Trustees, as soon as may be ; and the said Trustees shall proceed to elect, and by a majority of votes, appoint a person to fill such vacancy, so that the number shall be always five ; and the said Trustees may sue, and be sued, plead and be impleaded against, by the name of the Trustees of the First Methodist Society, in Lynn. And the said Trustees shall, annually, lay before the said society, an account of the funds, and of their proceedings.

First Meeting.

SEC. 5. *Be it further enacted*, That any Justice of the Peace, for the County of Essex, is hereby empowered, upon application therefor, to issue a warrant, to one of the members of the said society, for calling a meeting thereof, to organize the said society, by the election of its officers, who may then, or at any subsequent meeting, establish the manner of notifying and calling future meetings.

[Approved by the Governor, February 15th, 1820.]

CHAP. CCXLVIII.

An Act in addition to an Act for incorporating the
Town of Hampden.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the bounds of the Town of Hampden shall hereafter be as follows, viz. : beginning at the northeast corner of the northerly line of the Waldo Patent, so called, on Penobscot River, and bounded on the south by the northerly line of said Patent, running six miles on said line ; from thence running northerly, on the east line of the Town of Newburgh, to the southeast corner of the Town of Carmel ; from thence easterly, on the southerly side of the Towns of Hermon and Bangor, to Penobscot River ; and thence bounded on said river, to the first mentioned boundary. Boundaries.

[Approved by the Governor, February 17th, 1820.]

CHAP. CCXLIX.

An Act to alter and establish the Boundary Line,
between the Towns of Dorchester and Quincy.

SEC. 1. BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Neponset River be, and it is hereby established as the boundary line between the Towns of Dorchester and Quincy, in the County of Norfolk ; and that all that part of the Town of Dorchester, which lies on the southerly side of said river, called Squantum, and the farms, be, and it is hereby set off from the said Town of Dorchester, and annexed to the Town of Quincy : *Provided, nevertheless,* that John Pope, Edmund Pope, Moses Billings and Ol- Boundary. Provisos.

iver Billings, with their respective families, and all their lands and estates, lying in said Squantum, and the farms, and also, Thomson's Island, so called, with the inhabitants thereon, shall remain annexed to the Town of Dorchester, any thing in this act to the contrary notwithstanding: *And provided, also*, that all lots or parcels of salt marsh, lying in said Squantum, and the farms now owned by the Town of Dorchester, in its corporate capacity or by the several inhabitants of said town, shall, so long as they remain the property of any of the inhabitants of said town, be exempt from taxation, by the Town of Quincy, but may be taxed by the Town of Dorchester, in the same manner as though this act had not passed.

Support of Pau-
pers. SEC. 2. *Be it further enacted*, That the Town of Quincy shall maintain and support all paupers, who now have, or may hereafter acquire a settlement in each and every part of said Squantum, and the farms, which by this act, and all former acts, have been set off from the Town of Dorchester, and annexed to the Town of Quincy.

Payment of
Taxes. SEC. 3. *Be it further enacted*, That the proprietors of lots of upland and marsh, lying in that part of the Town of Dorchester, which is, by this act, set off from said town, and annexed to Quincy, shall be holden to pay all taxes, which have been legally assessed on them, by said Town of Dorchester, in the same manner as though this act had not passed.

[Approved by the Governor, February 21st, 1820.]

CHAP. CCL.

An Act to repeal all laws heretofore made for regulating the Alewife Fishery, in the Town of Kingston, in the County of Plymouth, so far as they relate to Jones River, above and including Adams' Mill Dam, so called, and also so far as they relate to Stony Brook, in said town.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all the laws heretofore

made regulating the alewife fishery, in the Town of Kingston, in the County of Plymouth, so far as they relate to Jones River, above, and including Adams' Mill Dam, so called, and also, so far as they relate to Stony Brook, in said town, be, and the same are hereby repealed.

[Approved by the Governor, February 21st, 1820.]

CHAP. CCLI.

An Act to unite the West School District, in Canaan, and the East School District, in Norridgewock, in the County of Somerset.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the inhabitants, with their estates, in the west school district, in the Town of Canaan, and the inhabitants, with their estates, in the east school district, in the Town of Norridgewock, be, and they are hereby made one school district, for the term of ten years; and as such, they are authorized and empowered to unite their proportion of money, raised and appropriated by the said towns, respectively, to the uses and purposes of instruction, and to elect such Agents, with such powers as other school districts are by law authorized to have; and the Town Officers of either of said towns, on request from the Agents of said united districts, are requested to perform all the duties in relation thereto, which they are authorized and directed to do and perform, in respect to any other school district, in their own town.*

Union of School Districts.

SEC. 2. *Be it further enacted, That in case the inhabitants of said united district shall erect and build a school house therein, the same house and all other property, at the end of said ten years, belonging to said district, shall be sold by auction, and the whole proceeds of sale, justly and proportionably distributed*

Distribution of proceeds.

among the said inhabitants, according to what they paid or were assessed, in the tax next preceding such sale.

[Approved by the Governor, February 21st, 1820.]

CHAP. CCLII.

An Act to incorporate the Boston Soap Stone Manufactory.

Persons incor-
porated.

General pow-
ers.

Limitation of
act.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Woodberry, Jonathan Whitney, and William Lancaster, together with such others as may hereafter associate with them, and their successors, shall be, and hereby are made a corporation, by the name of the Boston Soap Stone Manufactory ; and for this purpose shall have all the powers and privileges, and shall also be subject to all the duties and requirements of other manufacturing corporations, as prescribed, and contained in an act, passed the third day of March, eighteen hundred and nine, entitled, “an act defining the general powers and duties of Manufacturing Corporations,” and of the acts subsequent and supplementary thereto. And the said corporation shall continue from the first Monday of March next, until the first Monday of March, which will be in the year of our Lord, one thousand eight hundred and forty, and thence afterwards, for the space of one year, for the final settlement of the affairs of the said corporation, but for no other purpose whatsoever.

May hold Real
Estate.

SEC. 2. *Be it further enacted*, That the said corporation, in their corporate capacity, may lawfully hold and possess real estate, not exceeding five thousand dollars, and personal estate not exceeding twenty thousand dollars, as may be necessary and convenient, for carrying on the manufacture aforesaid.

[Approved by the Governor, February 21st, 1820.]

CHAP. CCLIII.

An Act to incorporate the First Baptist Society, in
Malden.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Samuel Wait, Ebenezer Harnden, James Crane, William Oliver, Ezra Holden, Nathaniel Pratt, Jabez Howard, Timothy Bailey, and Edward Newhall, together with such other persons as may hereafter associate with them, and their successors, with their families, polls, and estates, be, and they are hereby incorporated into a religious society, by the name of the First Baptist Society, in Malden, with all the powers, privileges and immunities, to which parishes are, by law, entitled in this Commonwealth. Persons incorporated.

SEC. 2. *Be it further enacted,* That said society be, and is hereby authorized and empowered, to sell or lease the pews in the meeting house, belonging to said society, and give deeds to convey the same. And all deeds and conveyances of, and all executions extended on the pews in said meeting house, shall be recorded by the Clerk of said society, and being so recorded, shall be considered valid in law. Sale of Pews.

SEC. 3. *Be it further enacted,* That said society shall have power to receive, by donation or otherwise, and purchase, hold, and enjoy, such real and personal estate, as they may deem necessary for the due support of religious worship in said society; *provided, however,* the same shall not exceed in value the sum of twenty thousand dollars. Real estate limited.

SEC. 4. *Be it further enacted,* That any person of the baptist denomination, who shall unite in religious worship with said society, by giving in his or her name to the Clerk of the town or parish, to which he or she belongs, with a certificate, signed by the Minister or Clerk of said society, that he or she has actually become a member of, and united in worship with said society, shall, from and after giving in such certificate, with his or her family, polls and estates, be considered Conditions of membership.

members of said society: *Provided, however*, that every such person shall be holden to pay his or her proportion of all assessments previously made, for parochial purposes.

TERMS OF SECESSION. **SEC. 5.** *Be it further enacted*, That when any member of said Baptist Society, shall see cause to leave the same, and unite in religious worship with any other religious society, and shall give in his or her name to the Clerk of said Baptist Society, accompanied with a certificate from the Minister or Clerk of such society as he or she may have joined, shall be considered no longer a member: *Provided, however*, in all cases of secession from said society, every such person shall be holden to pay his or her proportion of all assessments unpaid, prior to leaving the same.

CONFIRMATION OF FORMER PROCEEDINGS. **SEC. 6.** *Be it further enacted*, That the several meetings, heretofore held by the proprietors of said meeting house, and the proceedings for forming said society, for building their meeting house, and the assessments therefor, be, and the same are hereby confirmed, and made valid in law.

FIRST MEETING. **SEC. 7.** *Be it further enacted*, That the persons named in the first section in this act, or either of them, may cause the first meeting of said society to be called for any purpose specified by them, by posting up a notification at said meeting house, giving notice of the time and place of said meeting; at which meeting, the society may agree on the mode of notifying future meetings.

[Approved by the Governor, February 21st, 1820.]

CHAP. CCLIV.

An Act to establish Blanchard's Gun Stock Turning Factory.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Isaac Scott and James

Clark, and their associates, and all persons who shall become stockholders in the corporation herein created, be, and they hereby are incorporated and made a body politic, by the name of Blanchard's Gun Stock Turning Factory, with all the powers and rights, vested by law, in manufacturing corporations, and subject, in like manner, as they are, to all the liabilities, limitations, and restrictions, by law, imposed on like corporations in this Commonwealth. Powers and privileges.

SEC. 2. *Be it further enacted*, That the said corporation may hold and possess real estate, not exceeding in value fifteen thousand dollars.

[Approved by the Governor, February 21st, 1820.]

CHAP. CCLV.

An Act in addition to an Act, entitled “ An Act for the relief of Poor Prisoners, who are committed by Execution, for Debt.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That any person hereafter committed to prison on execution, and being desirous to avail himself, or herself, of the poor debtors' oath, the judgment creditor or creditors living without this Commonwealth, and having no agent or attorney within the same, may be admitted to take the same, by leaving an attested copy of such notification as is, in and by the act, entitled, “ an act for the relief of poor prisoners, who are committed by execution for debt,” passed the nineteenth day of November, in the year of our Lord one thousand seven hundred and eighty seven, provided, with the Clerk of the Court, or the Justice, by whom the said execution was signed, thirty days previous to such intended caption, any thing in the said act to the contrary notwithstanding.

[Approved by the Governor, February 21st, 1820.]

CHAP. CCLVI.

An Act laying a Tax upon Retailers of Spiritous Liquors, and other Persons.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That every person who shall, from and after the fourteenth day of March next, be licensed to sell wine, beer, ale, cider, brandy, rum, or any strong liquors, by retail, and every person who shall be licensed as a victualer or confectioner in the town or district where he or she lives, shall, upon such license being granted, pay to the Clerk of the Court of Sessions, in addition to the fees now paid, by law, the sum of four dollars, for the use of the Commonwealth; and all such licenses shall be granted on condition that the retailer, confectioner, or victualer, so pay said four dollars, before he or she shall recognize, as by law required.

Additional fees.

Sureties of Clerks.

SEC. 2. *Be it further enacted,* That in addition to the bond now required by law, to be given by each Clerk of the Court of Sessions in the several counties, to the respective County Treasurers, each Clerk aforesaid shall, before the first day of May next, give bond, with sufficient surety or sureties, in the penal sum of one thousand dollars, to the Treasurer of the county, and his successor in that office, to account for, on oath, and pay over to him, from time to time, the sum of four dollars for each retailer, confectioner and victualer in the county, who shall be so licensed, within one month after he, the said Clerk, shall receive the same. And if any Clerk shall neglect to give such bond, he shall forfeit and pay a sum not exceeding five hundred dollars, to be recovered by the County Treasurer to the use of the county, in an action of debt in any court proper to try the same; and the respective Clerks of the Courts of Sessions, shall be allowed a commission of one per cent. for so receiving and paying over said sums to the County Treasurers; and the respective County Treasurers shall be held to account with the

Clerks' Commission, and responsibility.

Treasurer of the Commonwealth, for all sums received by them, in virtue of this act.

[Approved by the Governor, February 21st, 1820.]

CHAP. CCLVII.

An Act in addition to the several Acts, regulating the Sale of Goods by Public Auction.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That in all licenses granted to any person to sell goods and chattels, by public auction or outcry, within the Town of Boston, in the County of Suffolk, it shall and may be lawful for the Selectmen of the said Town of Boston, or the major part of them, granting such license, to annex thereto, such conditions, limitations and restrictions, respecting the place or places in said town, at, and within which the person, so licensed, shall and may be allowed and authorized to sell goods and chattels by public auction or outcry, as shall appear to them needful and expedient for the public welfare. And any person who shall sell any goods or chattels whatsoever, by public auction or outcry, at any place within said Town of Boston, contrary to the conditions, limitations, or restrictions, contained in, or annexed to such license, shall be liable and subject to the same penalties and forfeitures, to be prosecuted for, and recovered in the same manner as if such person had sold such goods or chattels, by auction or outcry, without any license whatever.

Limitations and restrictions.

Householders liable to a fine.

SEC. 2. *Be it further enacted,* That the owner, tenant, or occupant of any house, or store, having the actual possession and controul of the same, who shall allow or permit any person, licensed as aforesaid, to sell any goods or chattels, by public auction or outcry, in his said house or store, or in any apartment, or yard appurtenant to the same, contrary to the conditions, limitations, or restrictions, annexed to the license of

such person, shall be liable and subject to the same penalties and forfeitures, to be prosecuted for, and recovered in the same manner as if such owner, occupant, or tenant had knowingly allowed or permitted any unlicensed person to sell any goods or chattels, by public auction or outcry, in his said house or store, or in any apartment or yard appurtenant thereunto.

Former Acts
repealed.

SEC. 3. *Be it further enacted*, That the law of this Commonwealth, which was passed on the fifteenth day of June, in the year of our Lord one thousand eight hundred and fifteen, entitled, "an act in addition to an act, entitled an act to regulate the sale of goods at public vendue, and to repeal all laws heretofore made for that purpose," shall not apply or be enforced within the Town of Boston; and the same, so far as it respects the said town, is hereby repealed.

[Approved by the Governor, February 21st, 1820.]

CHAP. CCLVIII.

An Act to regulate the Fishery in Taunton Great River.

Prohibition of
Fishing.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, it shall not be lawful for any person or persons, except as is hereinafter provided, to catch shad and alewives, with seines or nets, in Taunton Great River, from the fifteenth day of March to the first day of June, in each year; *provided*, that it shall and may be lawful for the inhabitants of the several towns, situated on said river, to catch shad and alewives, with seines or nets, in said river, with twelve seines or nets only, in the manner following, to wit: the Towns of Wellington, Dighton, Somerset, Freetown and Troy, shall each have the right of disposing at public auction, for their own benefit, of the privilege of catching shad and alewives with one seine or net only; the Towns of Berkley and Raynham shall each have the right of

Sale of privilege.

disposing at public auction, for their own benefit, of the privilege of catching shad and alewives, with two seines or nets only; and the Town of Taunton shall have the right of disposing at public auction, for their own benefit, of the privilege of catching shad and alewives, with three seines or nets only, in the river aforesaid, for the time aforesaid; and the purchaser or purchasers of the privileges which shall be located in the Towns of Raynham and Taunton shall not have a right to sweep, with a seine or net, more than fifteen rods in length; and the Towns of Berkley and Wellington, shall not have a right to sweep, with a seine or net, more than twenty rods in length, and but four days in each week, beginning at four o'clock on Monday morning and ending at four o'clock on Friday morning; the purchaser or purchasers of the privilege or privileges, which shall be located in the town of Dighton, shall have a right to sweep, with a seine or net, thirty rods in length, and no more, five days in each week, beginning at four o'clock on Monday morning and ending at four o'clock on Saturday morning; and the purchaser or purchasers of the privilege or privileges, which shall be located in either of the Towns of Somerset, Freetown, or Troy, shall have a right to sweep, with a seine or net, forty rods in length, and no more, five days in each week, beginning at four o'clock on Monday morning and ending at four o'clock on Saturday morning: *And provided, also*, that each of the said towns shall, at a legal meeting, between the first day of September and the last day of December, in each year, dispose and make sale of, at public auction, for the next year, and so from year to year, their privilege or privileges, of catching shad and alewives, with seines or nets, in the river aforesaid, for the time aforesaid, to such person or persons as shall offer the most for the same, and give sufficient security for the payment of the purchase money, at such time and in such manner as the respective towns shall order.

SEC. 2. *Be it further enacted*, That the several purchasers of the respective privileges aforesaid, shall select the place where they intend to use their seine or net for the purpose of catching shad and alewives, and

Time of Fishing.

Location of privileges

shall file a certificate thereof, with the Clerk of the town within which they have determined to exercise their said privilege as aforesaid, on or before the first day of March, in each year: *Provided*, that the privilege which shall be purchased of the said Town of Somerset, shall be exercised within the limits of said town; and the person or persons so purchasing and locating the privileges aforesaid, shall have the right to catch shad and alewives in the river aforesaid, for the time aforesaid, and no other person.

Sweep of nets.

SEC. 3. *Be it further enacted*, That no purchaser of a privilege, as aforesaid, shall make use of a seine or net for the purpose aforesaid, at any other place in said river, than the place so selected and certified as aforesaid, during the time aforesaid; and no two seines shall be located or swept within half a mile of Robinson's Bridge, so called, in Raynham; and no seine or net shall be swept more than forty rods on the bank of said river; and no two seines shall be allowed to be swept within the same limits, on the same side of said river; and no person whatever, shall be permitted to set any seine, net, weare, or other obstruction, in or across said river, or any part thereof, or any waters connected with said river, (Broad Cove, so called, in Somerset, excepted,) for the purpose of taking shad or alewives, or obstructing their passage along the said river, during the time aforesaid.

Forfeitures.

SEC. 4. *Be it further enacted*, That if any person or persons, shall draw or sweep with any seine or net, on any day or time, other than as before expressed, or at any other place, than those selected and located as aforesaid; or shall on any day, or at any place, set any seine or net, weare, or other obstruction, in or across said river, or any part thereof, or any waters connected with the same, (Broad Cove aforesaid, excepted,) with the intention to catch or destroy any of the fish called shad, or alewives, within the time limited in the first section of this act, he or they shall forfeit and pay fifty dollars for each and every such offence, to be recovered by indictment or information, to the use of the county, in which the offence shall be committed, or by action of debt; one half thereof, after deducting all necessary expenses of the prosecution, to

the use of him or them who shall prosecute or sue for the same, and the other half to the use of the town in which the offence shall be committed.

SEC. 5. *Be it further enacted,* That if any person or persons shall be found sweeping, with any seine or net, or if any seine or net shall be used by any person, contrary to the true intent and meaning of this act, it shall and may be lawful for any Fish Wardens or Inspectors, to be chosen by virtue of this act, or the law regulating the fishery in the Town of Middleborough, to seize and take such seine or net, and convert and retain the same to his or their own use and benefit, without any suit or process whatsoever; and if prosecuted therefor, to plead the general issue, and give this act in evidence, as though the same had been pleaded specially.

SEC. 6. *Be it further enacted,* That the several towns aforesaid, shall, at their annual meetings in the month of March, or April, choose, by ballot, three or more suitable persons, being freeholders in said town, as Fish Wardens, whose duty it shall be, jointly and severally, to see that this act is enforced, and to prosecute for all breaches thereof; and each Fish Warden, so chosen, shall be sworn to the faithful discharge of his duty: And the said Fish Wardens when sworn, are authorized to measure seines and nets, and to pursue and execute the duties of their office in any place within the towns aforesaid. And if any person, chosen a Fish Warden, as aforesaid, shall refuse or neglect to be sworn, as aforesaid, for the space of five days, after he shall be duly notified of his election, as aforesaid, he shall forfeit and pay a fine of ten dollars, to the use of such town, to be recovered by action of debt, by the Treasurer thereof, and such town shall proceed to a new choice, and so on, as often as circumstances shall require. And if any of the towns aforesaid, shall neglect to choose Fish Wardens, as aforesaid, or to make sale of their privileges aforesaid, within the time limited therefor, according to the meaning of this act, such town shall forfeit and pay a fine of one hundred dollars, for the use of him or them, who shall prosecute for the same.

SEC. 7. *Be it further enacted,* That all the laws

heretofore made for the regulation of the fishery in Taunton Great River, (except so far as respects the Town of Middleborough,) be, and the same are hereby repealed: *Provided, however,* that any prosecutions which have been, or may be commenced, for the recovery of any forfeitures, incurred by virtue of the laws hereby repealed, may be prosecuted to final judgment and execution, in the same manner as if this act had not been passed: *And, provided, also,* that all contracts made prior to the passing of this act, by any of the towns aforesaid, respecting the fishery aforesaid, by virtue, and in pursuance of the laws hereby repealed, shall be valid, to all intents and purposes, this act to the contrary notwithstanding: *And, provided, further,* that the inhabitants of the respective towns aforesaid, who have not already disposed of their privileges, as aforesaid, for the present year, by virtue and in pursuance of the laws hereby repealed, shall and may dispose of the same, at any time before the first day of March next.

Repeal of laws.

Proviso.

[Approved by the Governor, February 21st, 1820.]

CHAP. CCLIX.

An Act for altering the time of holding the Court of Sessions, within the County of Worcester.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the Court of Sessions, now by law, appointed to be holden at Worcester, within and for the County of Worcester, on the second Tuesday of March, annually, shall be holden at Worcester aforesaid, on the fourth Tuesday of March, annually, any law to the contrary notwithstanding.

Time of holding
Court altered.

[Approved by the Governor, February 15th, 1820.]

CHAP. CCLX.

An Act to incorporate a Provident Institution for Savings, in the Town of Hallowell, and the vicinity.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Samuel S. Wilde,* Persons incorporated. *Rufus K. Page, Benjamin Vaughan, Benjamin Page, Junior, Thomas B. Coolidge, Ariel Mann, Gideon Farrell, John Agry, Samuel G. Ladd, William Oliver Vaughan, Thomas Agry, Robert H. Gardiner, Peter Grant, Frederick Allen, Hiram A. Bement, Benjamin Wales, John Merrick, Samuel Moody, William Eaton, Jacob Abbot, Junior, Nathaniel Perley, Elias Bond, Thomas Bond, and Ebenezer T. Warren, together with such others as have associated with them, be, and they are hereby incorporated into a society, by the name of the Institution for Savings, in the Town of Hallowell, and its vicinity; and that they, and such others as shall be duly elected members of the said corporation, as is in this act provided, shall be, and remain a body politic and corporate, by the same name, forever.*

SEC. 2. *Be it further enacted, That the said society and corporation, shall be capable of receiving from any person or persons disposed to obtain and enjoy the advantages of said institution, any deposit or deposits of money, and to use and improve the same, for the purposes, and according to the directions herein mentioned and provided.* Receipts of money.

SEC. 3. *Be it further enacted, That all deposits of money received by the said society, shall be by the said society, used and improved to the best advantage, and the net income or profit thereof, shall be by them applied and divided among the persons making the said deposits, their executors or administrators, in just proportion; and the principal of such deposits may be withdrawn at such reasonable times, and in such manner as the said society shall direct and appoint.* Division of profits.

SEC. 4. *Be it further enacted, That the said society*

Members of the
Institution.

and corporation, shall, at their first meeting, and at their annual meetings in January, have power to elect, by ballot, any person or persons as members of the said society.

Power of Treas-
urer.

SEC. 5. *Be it further enacted*, That the said society may have a common seal, which they may change and renew at pleasure ; and that all deeds and conveyances and grants, covenants and agreements, made by their Treasurer, or any other person by their authority and direction, according to their institution, shall be good and valid ; and the said corporation shall, at all times, have power to sue and be sued, and may defend, and shall be held to answer, by the name aforesaid.

Election of Offi-
cers.

SEC. 6. *Be it further enacted*, That the said society shall hereafter meet at Hallowell, at such time in the month of January, annually, and at such other times, as the society, or the President thereof, may direct ; and any seven members of the said corporation, (the President, a Vice President, Treasurer, or Secretary being one,) shall be a quorum. And the society, at their meeting in January, annually, shall have power to elect and choose a President, and all such other officers, as to them shall appear necessary ; which officers, so chosen, shall continue in office one year, and until others are chosen in their stead ; and the Treasurer and Secretary, so chosen, shall be under oath, to the faithful performance of the duties of their offices, respectively.

General pow-
ers.

SEC. 7. *Be it further enacted*, That the said society hereby are, and forever shall be vested with the power of making by-laws for the more orderly managing the business of the corporation ; *provided*, the same are not repugnant to the constitution or laws of this Commonwealth.

First meeting.

SEC. 8. *Be it further enacted*, That Thomas B. Coolidge, Benjamin Vaughan, and John Agry, or any two of them, be, and they hereby are authorized, by public notification in the Hallowell Gazette, to call the first meeting of the said society, at such time and place as they shall judge proper.

[Approved by the Governor, February 21st, 1820.]

CHAP. CCLXI.

An Act authorizing the Sale and Assessment of the Pews in the Meeting House of the First Congregational Parish, in Lynn.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the First Congregational Parish or Society, in Lynn, in the County of Essex, be, and they hereby are authorized and empowered to sell or lease their pews in the meeting house of said parish, and by any Agent, by them duly chosen for that purpose, to give deeds to convey the same to the purchaser or purchasers thereof. Sale or lease of Pews.

SEC. 2. *Be it further enacted,* That the pew holders in said society be, and they hereby are authorized to assess on the pews in said meeting house, such taxes as they, from time to time, shall find necessary; and shall, at a meeting to be called for that purpose, vote to assess for the maintenance of public worship and other parochial charges, according to the relative value of said pews; and all assessments so made, shall be considered as a lien on the pews in said meeting house, respectively; and the said pews shall be held liable to be taken and sold for the payment of all such assessments, and for the expenses incurred by such sale, in such manner, and on such conditions as may be established by said society, and which shall be summarily expressed and contained in the deeds of sale of the said pews; and a bill or memorandum of each proprietor's assessment, and of the time or times, of payment, signed by the Treasurer of said society, for the time being, shall be left in such proprietor's pew, thirty days, at least, before such time of payment; of which fact, the oath of the Treasurer, or of the person by him employed for that purpose, shall be sufficient evidence. Assessment of Pew Taxes. Lien on Meeting House.

SEC. 3. *Be it further enacted,* That if any pew in said house, shall not sell for a sum sufficient to pay the assessment thereon, with the expenses of the sale, the said parish shall have like remedy against

Remedies for
deficiencies.

the owner or occupant of such pew, for the recovery of the balance, as parishes now have, by law, for the collection of taxes on polls and estates.

SEC. 4. *Be it further enacted*, That all deeds and conveyances of, and all executions extended on the pews in said meeting house, with the returns thereon, shall be recorded by the Clerk of said parish, in a book to be provided for that purpose, and shall thereupon be considered valid in law.

SEC. 5. *Be it further enacted*, That nothing in this act shall be construed, or deemed to take away, or impair the legal rights of said parish; but the same shall, in all other respects, be, and remain the same as though this act had not been passed.

[Approved by the Governor, February 21st, 1820.]

CHAP. CCLXII.

An Act regulating the taking of Fish, called Alewives,
in the Town of Middleborough.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, it shall and may be lawful for the inhabitants of the Town of Middleborough, in the County of Plymouth, to take the fish, called alewives, at the Old Stone Wear, so called, in said town, on Wednesday, Thursday, Friday and Saturday, of each week, during the time said fish are allowed to pass the aforesaid place, and at no other time, at the place aforesaid; any law to the contrary notwithstanding.

[Approved by the Governor, February 21st, 1820.]

CHAP. CCLXIII.

An Act to incorporate the Proprietors of Museum Hall,
in the Town of Boston.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Benjamin Rich, John Heard, Junior, Shadrach Shattuck and Alpheus Carey, Persons incorporated. and others, their associates, successors and assigns, be, and they hereby are constituted a body politic and corporate, by the name of the Proprietors of Museum Hall; and the said corporation, by the same name, are hereby declared and made capable, in law, to sue and be sued, plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure, to make rules and by-laws, for the regulation and management of the estate hereinafter described, consistent with the laws of the Commonwealth; and generally to do and execute whatever, by law, doth or may appertain to bodies politic and corporate, within the meaning and intent of this act.

SEC. 2. *Be it further enacted,* That the said corporation be, and the same hereby is declared and made capable to have, hold, and possess, by fee simple or lease hold, all that certain real estate, situate in said Boston, bounded and described as follows, viz. : east- Boundaries of Real Estate. wardly on land of the heirs of Samuel Torrey, deceased, two hundred and six feet; southwardly on Cooper's Alley, one hundred and eighty feet; westwardly on land of Brattle Street Church, and land of the heirs of David Bradlee, deceased, two hundred and sixty feet; northwardly on Elm Street, one hundred and eighty feet, together with all the rights and privileges and appurtenances thereof; *provided*, the lawful proprietors thereof shall legally convey the same to the said corporation. And the said corporation shall have power to sell, grant, and alien, in fee simple, or other- General corporate powers. wise convey their corporate property, or any part thereof, within said described limits; and to lease, manage, and improve, build, rebuild, pull down or alter the

same, according to the will and pleasure of said corporation, expressed by any legal meeting, by said associates, or their assigns, or the major part of them : *Provided, always*, that if the said real estate, or any part thereof shall, at any time hereafter, be used for a public market place, for the sale of provisions, the same shall be subject to all the by-laws, orders, rules and regulations, not repugnant to the constitution and laws of this Commonwealth, which the Selectmen of the Town of Boston shall, from time to time, make and establish, for the regulation of the public market at Faneuil Hall, within the said Town of Boston.

Division of
Shares.

SEC. 3. *Be it further enacted*, That the corporate property shall be divided into shares, not exceeding six hundred in number, as the said corporation may find to be most expedient ; and the said shares shall be divided among the several proprietors according to the interest and portions which they may respectively have in said corporate property ; and certificates of such shares shall be signed by the President of the corporation, and shall be transferable by assignment on the back thereof ; and the property in the same shall vest in the assignee or vendee thereof, when a record of such assignment shall be made by the Clerk of the corporation ; whereupon new certificates shall issue accordingly ; and the shares in said corporation shall, in all respects, and at all times, be held as personal estate.

Assessments.

SEC. 4. *Be it further enacted*, That the said corporation shall have power, from time to time, to assess such sums of money as, at a legal meeting held and notified for that purpose, may be deemed necessary for building, rebuilding and repairing or altering any buildings whatever, on the land within the said described limits, or for the improvement or management of the corporate estate, agreeably to the true intent of this act ; *provided*, that all assessments together, shall never exceed two hundred dollars on each share. And in case any proprietor shall neglect or refuse to pay any assessment so laid, the said corporation may cause such of the shares of such proprietors, as may be sufficient therefor, to be sold at public auction, after ten days notice, in a public newspaper printed in Boston, to the

Proviso.

Sale of Delin-
quent Shares.

highest bidder; and after deducting the amount assessed and unpaid, together with the charges of sale and advertisement, the surplus, if any, shall be paid over to such proprietors; and the purchaser of such share or shares, shall be entitled to receive a certificate of the share or shares by him purchased, accordingly.

SEC. 5. *Be it further enacted,* That the real or mixed estate of said corporation, shall be liable for the debts of the corporation, and to attachment and execution on any judgment against said corporation: And said corporation shall possess the right of equity of redeeming the same, appertaining, by the laws of the Commonwealth, to other real estate. Liabilities.

SEC. 6. *Be it further enacted,* That in all meetings of the members of said corporation, for the transaction of business, each member or proprietor shall be entitled to one vote for every share by him held in said corporation: *Provided, always,* that no one member shall ever be entitled to more votes than shall be equal to one third in value of the corporate property. Proprietors may appear and act at any meeting by proxy, in writing. Regulation of
Shares.

SEC. 7. *Be it further enacted,* That said Benjamin Rich, John Heard, Junior, Shadrach Shattuck, and Alpheus Carey, or either of them, may call a meeting of said corporation, by advertisement in a public newspaper, printed in Boston, ten days, at least, before the time of meeting; and the said corporation may, at such, or any other meeting, agree on the mode of calling future meetings; and shall elect a President and Clerk, and all such other officers as they may deem necessary for conducting their corporate affairs and estate; the Clerk to be sworn before entering on the duties of his office. Meetings.

[Approved by the Governor, February 21st, 1820.]

CHAP. CCLXIV.

An Act in addition to “An Act to establish Courts of Sessions.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Courts of Sessions in the several counties of this Commonwealth, shall have all the powers and privileges, and do and perform all the duties that the Circuit Courts of Common Pleas had and performed, in and by an act, entitled “an act to transfer the powers and duties of the Courts of Sessions to the Circuit Court of Common Pleas, and for other purposes,” passed the twenty eighth day of February, in the year of our Lord one thousand eight hundred and fourteen.

[Approved by the Governor, February 21st, 1820.]

CHAP. CCLXV.

An Act in addition to an Act, entitled “An Act regulating the management and drawing of Lotteries, in certain cases, in this Commonwealth.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That after Union Canal Lottery shall have completed the drawing of the scheme last published, the Managers of the several lotteries, mentioned in the act, entitled “an act regulating the management and drawing of lotteries, in certain cases, in this Commonwealth,” shall continue to draw all future classes of said lotteries, in the rotation mentioned in said act; and that five months be allowed to each set of Managers of said lotteries, in which time they may draw one or more classes, as they may think proper.

[Approved by the Governor, February 21st, 1820.]

CHAP. CCLXVI.

An Act authorizing the several Insurance Companies in this Commonwealth, to Insure against Fire.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the several Insurance Companies, incorporated within this Commonwealth, be, and they hereby are authorized, in addition to the powers granted by their respective charters, to make insurance against fire, on such terms and conditions as may be agreed upon by the parties, on any dwelling houses, or other buildings, and on merchandize, or other property, within the United States: *Provided, always,* that no sum shall be insured, on any one risk against fire, exceeding ten per centum of the capital stock, actually paid in, of said Insurance Companies, respectively. Insurance. Proviso.

[Approved by the Governor, February 21st, 1820.]

CHAP. CCLXVII.

An Act to repeal an Act, entitled “An Act to prevent the destruction of Fish, in Pittsfield.”

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That an act, passed on the thirteenth day of December, in the year of our Lord one thousand eight hundred and sixteen, entitled “an act to prevent the destruction of fish, in the Town of Pittsfield,” be, and the same is hereby repealed. Law repealed.

[Approved by the Governor, February 21st, 1820.]

CHAP. COLXVIII.

An Act to alter and change the Names of certain Persons, therein mentioned.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Charles Blake, of Boston, in the County of Suffolk, librarian, son of James Blake, shall be allowed to take the name of Charles Loyd Blake ; Betsey G. Bray, of said Boston, singlewoman, daughter of John Bray, shall be allowed to take the name of Elizabeth Goodwin Bray ; Charles Bullard, of said Boston, son of Eli Bullard, of Framingham, shall be allowed to take the name of Charles Buckminster Bullard ; James Russell Dutton, son of Warren Dutton, of said Boston, Esquire, shall be allowed take the name of James Dutton Russell ; William French, son of Thomas French, of said Boston, shall be allowed to take the name of William Page French ; John Howe, of said Boston, victualler, shall be allowed to take the name of John Jay Howe ; Henry Jones, son of Ephraim Jones, of said Boston, shall be allowed to take the name of Henry Hartwell Jones ; John Vinton, of said Boston, shall be allowed to take the name of John Calder Vinton ; Miriam Hayden, of said Boston, shall be allowed to take the name of Miriam Sumner Hayden ; Asa Penniman, of Dedham, in the County of Norfolk, shall be allowed to take the name of Henry Asa Penniman ; Ezra Prior, of Quincy, in said County of Norfolk, mariner, son of Ezra Prior, late of Duxbury, in the County of Plymouth, deceased, shall be allowed to take the name of Ezra William Prior ; Edward Fisher Keith, of Wrentham, in said County of Norfolk, shall be allowed to take the name of Edward Comstock Fisher ; Freeman Josselyn, of Pembroke, in the County of Plymouth, shall be allowed to take the name of Freeman Marshall Josselyn ; Aurora Oldham, of said Pembroke, shall be allowed to take the name of Aurora Williams Oldham ; Nehemiah Stockbridge Tubbs, of said Pembroke, shall be allowed to take the name of

Nehemiah Bisbee Stockbridge ; Zadoc Leonard, of New Bedford, in the County of Bristol, cabinet maker, shall be allowed to take the name of William Henry Leonard ; Eber Baker, of Westport, in said County of Bristol, shall be allowed to take the name of Eber Davis Baker ; Perry Maccomber, Junior, of Dartmouth, in said county, shall be allowed to take the name of Perry Russell Maccomber ; Joseph Long, of Cambridge, in the County of Middlesex, shall be allowed to take the name of Joseph Augustus Edwin Long ; Joseph Allen, son of Shobal C. Allen, Esquire, late of Townsend, in said County of Middlesex, deceased, shall be allowed to take the name of Joseph Shobal Allen ; and William Allen, son of said Shobal C. Allen, shall be allowed to take the name of William Child Allen ; Warwick Palfray, the third, of Salem, in the County of Essex, shall be allowed to take the name of William W. Palfray ; Nancy Mackey, of Andover, in said County of Essex, singlewoman, shall be allowed to take the name of Nancy Lois Gardner Mackey ; Jonathan Hoar, of New Salem, in the County of Franklin, shall be allowed to take the name of Jonathan Hanson ; and Joseph S. Hopy, and Azuby, children of the said Jonathan, shall be allowed to take the surname of Hanson, instead of Hoar ; Anthony Logo, of Ashfield, in said County of Franklin, trader, shall be allowed to take the name of John Clark ; Nathan Keep, of Longmeadow, in the County of Hampden, shall be allowed to take the name of Nathan Cooley Keep ; Winthrop Farrin, of Bath, in the County of Lincoln, shipwright, shall be allowed to take the name of Winthrop G. Farrin ; Jonathan Freeman Dana, of Cambridge aforesaid, physician, shall be allowed to take the name of James Freeman Dana ; Henry Andrews, of said Boston, shall be allowed to take the name of Henry Perkins Andrews ; Job Pierce Porter, of Middleborough, in said County of Plymouth, shall be allowed to take the name of Job Pierce ; and Babbitt Blanchard, of Harvard, in the County of Worcester, shall be allowed to take the name of Grove B. Blanchard ; and the said persons, from the time of the passing of this act, shall be called and known by the names, which, by this act, they are severally allowed

to take as aforesaid, and the same shall be considered as their only proper and legal names, to all intents and purposes.

[Approved by the Governor, February 21st, 1820.]

CHAP. CCLXIX.

An Act in further addition to an Act, entitled “An Act for the limitation of certain Real Actions, and for the Equitable Settlement of Certain Claims, arising in Real Actions.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That* where any action has been, or may hereafter be commenced against any person for the recovery of any lands or tenements, which such person, at the time of the commencement of such action, may hold by virtue of a possession and improvement, and which the tenant, or person under whom he claims, has had in actual possession for the term of six years or more, next before the commencement of such action, the tenant in such action shall have and possess all the right, benefit and privilege, to which any tenant or defendant is entitled, by virtue of “an act for the limitation of certain real actions, and for the equitable settlement of certain claims arising in real actions;” any thing therein, to the contrary notwithstanding.

[Approved by the Governor, February 22d, 1820.]

CHAP. CCLXX.

An Act to incorporate the Proprietors of Pleasant Hill Bridge.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Charles Barrell, Henry F. Barrell, George Barrell and Samuel Brown Barrell,* Persons incorporated. together with those who shall hereafter associate with them, with their successors and assigns, be, and hereby are constituted a corporation and body politic, by the name of the Proprietors of the Pleasant Hill Bridge, for the purpose of erecting a bridge over Miller's River, from the termination of Bridge Street, at Lechmere's Point, in Cambridge, in the County of Middlesex, to the land lying on the opposite side of said river; *provided,* Proviso. said bridge be eighteen feet in width, be provided with a convenient draw for the passing of vessels, and that the same, within the term of three years from the passing of this act, shall be built, kept open, and made convenient, safe, and free, for the accommodation of all travellers.

SEC. 2. *Be it further enacted, That any person or persons, who, after the first day of April next, shall be the owners of the land on the northerly side of said river, shall also have the privilege and right of building such bridge, if said corporation shall, upon request,* Conditions of building Bridge neglect or refuse to erect the same, within six months from the time of such request.

[Approved by the Governor. February 22d, 1820.]

CHAP. CCLXXI.

An Act to incorporate the Columbian Insurance Company.

Persons incor-
porated.General pow-
ers.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Nathaniel P. Russell, Benjamin P. Homer, and Caleb Loring, with their associates, successors and assigns, be, and they hereby are incorporated into a company and body politic, by the name of the Columbian Insurance Company, with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled "an act to define the powers, duties, and restrictions of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, for and during the term of twenty years after the passing of this act; and by that name, may sue and be sued, plead and be impleaded, appear, prosecute, and defend to final judgment and execution; and may have a common seal, which they may alter at pleasure, and may purchase, hold and convey any estate, real or personal, for the use of said company; *provided*, the said real estate shall not exceed the value of twenty thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said company.

Capital Stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company, shall be not less than one hundred thousand dollars, nor more than three hundred thousand, and shall be divided into shares of one hundred dollars each; fifty per centum of which shall be paid in money, within sixty days after the first meeting of said company, and the residue, in such instalments, and under such penalties, as the President and Directors shall, in their discretion, direct and appoint.

Directors.

SEC. 3. *Be it further enacted*, That the stock, property, affairs, and concerns of the said company, shall be managed and conducted by nine Directors, one of

whom shall be President thereof, who shall hold their offices for one year, and until others are chosen, and no longer ; and who shall, at the time of their election, be stockholders, and citizens of this Commonwealth ; and shall be elected on the second Monday of January, in each and every year, at such time of the day, and in such place, in the Town of Boston, as a majority of the Directors, for the time being, shall appoint ; of which election, public notice shall be given in two of the newspapers printed in the Town of Boston, and continued for the space of ten days, immediately preceding such election ; and the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote for each share in the capital stock ; *provided*, that no stockholder shall be allowed more than ten votes ; and absent stockholders may vote by proxy, under such regulations as the said company shall prescribe. And if, through any unavoidable accident, the said Directors should not be chosen on the second Monday of January, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed.

Limitation of
Votes.

SEC. 4. *Be it further enacted*, That the Directors, when chosen, shall meet as soon as may be after every election, and shall choose, out of their body, one person to be President, who shall be sworn faithfully to discharge the duties of his office, and who shall preside for one year ; and in case of the death, resignation, or inability to serve, of the President, or any Director, such vacancy or vacancies shall be filled for the remainder of the year, in which they happen, by a special election for that purpose, to be held in the same manner as herein before directed, respecting annual elections of Directors.

Choice of Pre-
sident.

Vacancies to be
filled up.

SEC. 5. *Be it further enacted*, That the President and four of the Directors, or five Directors, in the absence of the President, shall be a board, competent for the transaction of business ; and all questions before them, shall be decided by a majority of votes ; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said com-

Power of Di-
rectors.

Proviso.

pany, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks, and servants employed, and the election of Directors, and all such matters as appertain to the business of insurance; and also shall have power to appoint a Secretary and so many clerks and servants, for carrying on the said business, and with such salaries and allowances to them, and to the President, as to the said board shall seem meet: *Provided*, such by-laws and regulations, shall not be repugnant to the constitution and laws of this Commonwealth.

First Meeting.

SEC. 6. *Be it further enacted*, That any two or more persons, named in this act of incorporation, are hereby authorized to call a meeting of the said company, as soon as may be, in Boston, by advertising the same for two successive weeks, in two of the newspapers printed in Boston, for the purpose of electing a first Board of Directors, who shall continue in office until the second Monday of January, in the year of our Lord, then next ensuing.

Insurance
against Fire.

SEC. 7. *Be it further enacted*, That the said company is hereby authorized to make insurance against fire, on such terms and conditions as the parties may agree, on any dwelling house or other buildings, as well as on any other property within the United States of America: *Provided*, that no greater sum shall be insured on any one risk of fire, than ten per centum of the amount of the capital stock of said corporation actually paid in.

[Approved by the Governor, February 22d, 1820.]

CHAP. CCLXXII.

An Act to establish the Town of Hanson.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all the west part of the Town of Pembroke, in the County of Plymouth, on the westerly side of the following line, be incorporated into

a separate town, by the name of Hanson ; beginning at ^{Boundaries.} the mouth of Rocky Run Brook, so called ; thence up stream, with said brook, until it comes to the road near Nathan Dwelly's ; thence on a line, to strike the northwest corner of the land of Samuel Perry, in the line of the land of Seth Perry ; thence with the lands of said Samuel and Seth Perry, to Oldham's Pond, so called ; thence to the northeast corner of the land of Micalah Foster, on the southerly side of said pond ; thence by the line of the said Foster's land, to Indian Head Pond, so called ; thence southerly, on the margin of said pond, to the land of Levi Everson ; thence easterly by said Everson's land, to the road near the Baptist Meeting House ; thence on the northerly side of the road, to the house of John Oldham ; and thence crossing the road to the southerly side, and by said road, to a corner between the houses of Levi Thomas and Levi Everson, and is a corner at which the Plymouth road commences ; thence southerly to the southeast corner of Levi Everson's store lot, so called ; thence southerly, on a course to strike the southerly corner of the east and west parishes on the Halifax line, with all the inhabitants living thereon, be, and hereby are incorporated into a separate town, by the name of Hanson, with all the powers and privileges, ^{Powers and privileges.} and subject to all the duties, that towns within this Commonwealth, do or may enjoy, or be subject to.

SEC. 2. *Be it further enacted,* That the inhabitants of the said Town of Hanson, shall pay all the arrears of taxes, which have been assessed upon them by the Town of Pembroke, together with their proportion of all debts due from said Town of Pembroke, and shall be entitled to receive their proportion of all taxes, debts and monies, now due to said Town of Pembroke, of what kind or description soever ; and the apportionment of all debts, dues, taxes and other public property, ^{Taxes proportioned.} between the said Towns of Pembroke and Hanson, shall be made according to the proportion the east and west parish in Pembroke stood in the last valuation.

SEC. 3. *Be it further enacted,* That the poor, now supported by the Town of Pembroke, and all such who may hereafter be returned for support, in virtue of ^{Support of the Poor.} having acquired a settlement in said town, shall be

supported in the Town of Pembroke or Hanson, as they shall have acquired their settlement within the territorial limits of either town, as described by this act.

Fisheries.

SEC. 4. *Be it further enacted*, That the alewife fishery in the Town of Pembroke, having been resigned by the Town of Hanson, to the Town of Pembroke, shall be under the sole control of said Town of Pembroke; but the inhabitants of the Town of Hanson shall be entitled to the privilege of purchasing fish, in the same manner and order as now practised; said Town of Hanson resigning all their right to the proceeds of the fish, and are hereby exonerated from all charge and expense in regulating and taking the same.

Choice of Officers.

SEC. 5. *Be it further enacted*, That Thomas Hobart, Esquire, be, and he is hereby empowered to issue his warrant, directed to some principal inhabitant of the Town of Hanson, requiring him to notify and warn the inhabitants of the said Town of Hanson, to assemble and meet at some convenient time and place, in said town, to choose all such officers, as towns are required to choose, in the months of March and April, annually, and to do and transact any other business relative to the affairs of said town, as may be necessary.

[Approved by the Governor, February 22d, 1820.]

CHAP. CCLXXIII.

An Act to incorporate the Trustees of the Ministerial and School Fund, in the Town of Sweden.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Benjamin Webber, Andrew Woodbury, Jacob Stevens, Calvin Powers, and Daniel Holden, be, and they are hereby constituted and appointed a Board of Trustees, with perpetual succession, by the name of the Trustees of the Ministerial and School Fund, in the Town of Sweden; and the said Trustees, and their successors, in their said

capacity shall be, and they are hereby authorized to receive and manage all the money and estate which has been, or may be granted and appropriated, as a ministerial fund, in the said Town of Sweden; and also to manage, lease, sell and dispose of, under the direction of said town, all the school lands which may be divided and set off to the said Town of Sweden, from the Town of Lovel, according to the act of incorporation of said Town of Sweden; and to put out at interest and appropriate the monies arising therefrom, in manner hereinafter mentioned and prescribed.

SEC. 2. *Be it further enacted*, That the said Trustees, and their successors, shall, annually, elect a President, and also a Clerk, whose duty shall be to record the doings of said Trustees, at any of their meetings, in a book to be kept for that purpose, and who shall be sworn to the faithful discharge of his trust; and a record thereof shall be made in the books of said corporation. And the said Trustees shall also, annually, elect a Treasurer, to receive and apply the funds in manner herein directed.

SEC. 3. *Be it further enacted*, That the number of the said Trustees shall never be more than seven, nor less than five, a majority of whom may be a quorum for doing business; and when the number of Trustees shall be seven, one of them shall annually retire, beginning and proceeding according to seniority of years; and such vacancy shall be supplied by election from among the freeholders, at the annual town meeting for the choice of town officers; and in like manner any vacancy may be supplied, which may happen by death, resignation, removal out of town, infirmity, misconduct, or any other cause, which, in the judgment of the legal voters of said town, shall be sufficient for such removal, and to fill the vacancy so occasioned; and the said Trustees may remove any officer or agent, by them employed, whenever they may see sufficient cause; and the said Trustees shall hold a meeting in March or April, annually, and at such other times as they shall judge necessary, for the election of officers, and to transact other business; which meetings, after the first, shall be notified in such way and manner as the Trustees shall direct.

Ministerial and
School Fund.

SEC. 4. *Be it further enacted,* That the money which may be received by the Trustees aforesaid, by virtue of this act, or otherwise, for the purposes aforesaid, shall be a fund for the support of the ministry and schools, in the said Town of Sweden; and all such money shall, as soon as may be, be loaned on interest, and secured by mortgage of real estate, or by two or more sufficient sureties, with the principal, unless the Trustees shall judge it best to invest the same in public funded securities or bank stock, which they may do. And the interest arising, from time to time, from the said funds, shall be applied towards the support of public worship and of schools, in the said Town of Sweden; and it shall never be in the power of the said Trustees, or the town, to alienate or alter the appropriation aforesaid.

Powers of Trustees.

SEC. 5. *Be it further enacted,* That the Trustees aforesaid, by their said corporate name, may sue and be sued, in any action, real, personal or mixed, and may prosecute and defend the same to final judgment and execution; and they may have a common seal, subject to alteration; have power to make by-laws, and generally, all other powers, incident and usually given to like corporations: and the Treasurer shall give bond, with two sufficient sureties, to the said Trustees, for the faithful discharge of his trust. And the said Trustees and their officers, for the services they may perform, shall receive no compensation out of the said funds, or the income thereof, but a reasonable compensation may be made to them by the said town, as they may see cause.

Accounts to be
exhibited.

SEC. 6. *Be it further enacted,* That the said Trustees shall keep distinct accounts of the money and estate belonging to the school fund, from those belonging to the ministerial fund, and of the interest arising therefrom, respectively; which accounts, they and their successors shall exhibit to the town, at their annual meeting, for the choice of town officers; and the said Trustees, and each of them, severally, shall be responsible to the town for their personal neglect, or misconduct in office, and liable to prosecution for any loss or damage to the said funds, arising thereby; and the damage recovered in such prosecution, shall be con-

sidered as belonging to the said funds, and applied accordingly.

SEC. 7. *Be it further enacted*, That any Justice of the Peace, for the County of Oxford, is hereby empowered, upon application therefor, to fix the time and place of holding the first meeting of the Board of Trustees aforesaid, and to notify each Trustee thereof. First Meeting.

[Approved by the Governor, February 24th, 1820.]

CHAP. CCLXXIV.

An Act to incorporate the Boston Society for the Religious and Moral Instruction of the Poor.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Josiah Salisbury, Seno E. Dwight, William Jenks, William Thurston, Thomas Vose, Samuel T. Armstrong, Pliny Cutler, John Hopkins, Charles Cleaveland, Henry Homes, John C. Proctor, and Samuel Train, with their associates, and such other persons as may hereafter, from time to time, become members of said society, according to its rules and by-laws, to be hereafter established, be, and they hereby are incorporated into a society, for the purpose of the religious and moral instruction of the poor, by the name of the Boston Society for the Religious and Moral Instruction of the Poor, with the usual powers of corporations of the like nature; and by that name, shall be forever a body politic and corporate, with power to establish by-laws and orders, for the regulation of the society, the orderly conducting and executing the business thereof; *provided*, the same be not repugnant to the constitution or laws of this Commonwealth: to take, hold, and possess any estate, real or personal, by subscription, gift, grant, purchase, devise or otherwise, for the sole benefit of the said institution: *Provided*, the value of the whole estate of said society, real and personal, shall never exceed twenty thousand dollars. Persons incorporated.
General powers.

SEC. 2. *Be it further enacted,* That a President, a Treasurer, and such other officers of said society, as the by-laws thereof may direct, shall be elected, from time to time, by ballot, at such times, as the said by-laws shall appoint for that purpose; and the mode of supplying vacancies, in any of said offices, shall also be prescribed by the said by-laws.

* Election of Officers.

SEC. 3. *Be it further enacted,* That all deeds, conveyances, contracts and other instruments duly executed, and signed by the President, and attested by the Treasurer of said society, pursuant to any vote of said corporation, shall be valid and binding, and sufficient to convey lands or other property.

SEC. 4. *Be it further enacted,* That Josiah Salisbury, Sereno E. Dwight, and William Jenks, be, and they hereby are authorized, by public notice in two of the newspapers published in Boston, to call the first meeting of the members of said society, at such time and place, as they shall judge proper; and at the said first meeting, the times of holding stated meetings of the said society, and of electing officers, and the mode of calling special meetings, and of notifying stated and special meetings, shall be determined, by a vote of the majority of the members present.

First Meeting.

SEC. 5. *Be it further enacted,* That the present officers of said association, shall continue to execute their several duties, until an election shall have taken place, pursuant to the by-laws, to be established according to this act.

[Approved by the Governor, February 21st, 1820.]

CHAP. CCLXXV.

An Act to incorporate the Wolcott Woollen Manufacturing Company.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That James Wolcott, Junior, Samuel A. Groves, and Perez B. Wolcott, of South-

Persons incorporated.

bridge, in the County of Worcester, together with such others as may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Wolcott Woollen Manufacturing Company, for the purpose of manufacturing wool, in the Town of Southbridge, in the County of Worcester; and for the purpose aforesaid, shall have all the powers and privileges, and shall be subject to all the duties and requirements, prescribed and contained in an act, entitled "an act defining the general powers of manufacturing corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine.

Powers and
privileges.

SEC. 2. *Be it further enacted*, That the said corporation, in their corporate capacity, shall and may hold and possess real estate, not exceeding fifty thousand dollars, and personal estate, not exceeding fifty thousand dollars, as may be necessary and convenient for carrying on the manufacture of wool, in said Town of Southbridge.

Limitation of
Real Estate.

[Approved by the Governor, February 24th, 1820.]

CHAP. CCLXXVI.

An Act to incorporate the First Universalist Society,
in Roxbury.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Hannaford, Elisha Wheeler, Samuel S. Williams, Haman Brown, Charles Joy, Samuel Parker, Harford Morse, Luther Morse, Lewis Morse, Joseph Stratton, Joshua Sampson, Robert Edwards, W. J. Newman, Joseph James, Mark P. Swett, Ebenezer Brewer, Jesse Jordan, Joel W. Gay, Frederick Chandler, Opher Haynes, Isaac Gale, Warren Marsh, Jesse Brown, Jane Cheney, Jonathan Williams, Joseph May, Aaron White Bugbee, Lott Young, Ebenezer Goddard, Junior, James Riley, William Cobb, Eleb Faxon, Thomas Mayo,

Persons incor-
porated.

William Dove, Aaron Bartlett, Samuel Langley, John Bodge, William Lingham, Benjamin Mirick, Josiah Richardson, Luther Newell, Enoch Davenport, and Elisha Whitney, and all others who may associate with them, be, and they hereby are incorporated as a religious society, by the name of the First Universalist Society, in Roxbury, with all the privileges, powers and immunities, to which other religious societies in this Commonwealth, are entitled by law.

Powers and privileges.

SEC. 2. *Be it further enacted*, That the said society shall be capable in law, to purchase, hold and dispose of any estate, real or personal, for the use of said society; *provided*, the annual income thereof, shall not exceed, at any time, the sum of two thousand dollars.

May hold Real Estate.

SEC. 3. *Be it further enacted*, That the said society, may have power to order and establish such regulations, rules and by-laws, for their government, and for the management of their concerns, as they may see fit; *provided*, the same are not repugnant to the laws of this Commonwealth; *and, provided, also*, that the assessments on any share, for erecting a house of public worship, shall not exceed fifty dollars.

By-Laws.

SEC. 4. *Be it further enacted*, That all taxes for the support of public worship, shall be levied and collected on the pews in said house, in such manner as the society shall hereafter determine.

First Meeting.

SEC. 5. *Be it further enacted*, That any Justice of the Peace, for the County of Norfolk, be, and he hereby is authorized to issue his warrant to some member of said society, requiring him to warn the members thereof, to meet at such convenient time and place, in said Town of Roxbury, as shall be therein directed, to choose a Moderator, a Clerk, a Treasurer, and such other officers, committee or committees, as they shall think needful: And the Moderator so chosen, and Moderators chosen at any future meetings of the said society, shall have authority to administer the oaths of office to the Clerk, and any other officer, which the said society shall think proper to elect; and from whom the said society may think it necessary and proper, by a vote, in any of its meetings, to require an oath for the faithful discharge of the duties of their office.

[Approved by the Governor, February 24th, 1820.]

CHAP. CCLXXVII.

An Act in further addition to an Act, entitled “An Act to incorporate certain persons into a Company, by the name of the South Boston Association.”

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That an act, made and passed on the fourteenth day of June, in the year of our Lord one thousand eight hundred and five, entitled “an act to incorporate certain persons into a company, by the name of the South Boston Association,” be, and the same hereby is continued in force until the fourteenth day of June, which will be in the year of our Lord one thousand eight hundred and twenty five, any thing in the act, to which this is in further addition, to the contrary notwithstanding. Act continued.

[Approved by the Governor, February 24th, 1820.]

CHAP. CCLXXVIII.

An Act in addition to the several Acts relating to the North West River Canal Corporation.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the further term of three years, from the first day of April next, be, and hereby is granted to the corporation, for making the North West River Canal, in the Town of Baldwin, in the County of Cumberland. Extension of time.

SEC. 2. *Be it further enacted,* That instead of the toll now established by law, the said corporation shall have a right to demand and receive toll at the rates following, viz.: for each thousand of lumber, floated down said canal, which shall be put therein, above the head of the Great Bog, so called, fifty cents; and forty Rate of Toll.

cents for each and every thousand, for all lumber floated down said canal, which shall be put therein, at, or below the head of said Great Bog.

[Approved by the Governor, February 24th, 1820.]

CHAP. CCLXXIX.

An Act authorizing the Taxing of Pews, in the Congregational Meeting House, in Douglas.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the members of the Congregational Society, in the Town of Douglas, in the County of Worcester, be, and they hereby are empowered to raise any sum or sums of money, which the said members may, hereafter, at any legal meeting, called for the purpose, vote to raise, for the support of a Gospel Minister in said society, and for other necessary expenses, by a tax upon the pews and pew grounds, in said meeting house.

Pew Taxes.

SEC. 2. *Be it further enacted*, That for the equitable apportionment of the taxes to be assessed on said pews and pew grounds, the members of said society shall cause a valuation thereof to be made, by a Committee, to be chosen by them, for that purpose; and the report of that Committee, stating the numbers and value of said pews, shall, when accepted and recorded, be binding on all persons interested, for the purpose of taxation, as aforesaid; and the sums, voted to be raised on said pews, shall be apportioned and assessed thereon, by the Assessors for the time being, according to such valuation.

Valuation of Pews.

SEC. 3. *Be it further enacted*, That the Assessors of said society, shall make out a fair list of the taxes assessed on pews and pew grounds, according to this act, and commit said list to the Treasurer of the society, to receive and collect the taxes; and it shall be the duty of the Treasurer, as soon as may be, after receiving

Collection of Pew Taxes.

said list, to give notice thereof, by posting a copy of said list at said meeting house door, stating the number of each pew, and the amount of taxes set against it, with a notification thereon written, for persons interested in said pews, to pay the tax upon the same, within thirty days from the date of said notification; and if the tax upon any pew shall not be paid to the Treasurer, within thirty days, according to his notification as aforesaid, it shall be the duty of the Treasurer, and he is hereby empowered to sell the pew, upon which such tax or any part of it shall remain unpaid, at public auction, to the highest bidder; and his deed to the purchaser, recorded in the records of the society, shall give to the purchaser a perfect right and title to said pew; and he or she shall afterwards be considered the legal owner thereof: *Provided, however,* that the Treasurer shall, after the expiration of said thirty days, give, at least, ten days notice of the time and place of vendue, by posting up one advertisement at said meeting house, and one at some other public place in said town, stating the number of the pew to be sold, and the tax due upon it.

Sale of delinquents' Pews.

SEC. 4. *Be it further enacted,* That in case an adjournment of the sale of pews, shall appear to the Treasurer to be necessary, he may adjourn his sale for a time, not exceeding seven days at a time, until his sales are completed; and in all cases, he shall pay over, on demand, to the former owner of pews, the balance in his hands, arising from the sales, after deducting the taxes due, and his reasonable charges for advertising and selling the same.

Balances paid over.

[Approved by the Governor. February 24th, 1820.]

CHAP. CCLXXX.

An Act for establishing the Compensation for Piloting Vessels through the Vineyard Sound, over Nantucket Shoals, in certain cases.

Rates of Pilotage.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing of this act, any person who shall faithfully and skilfully pilot any vessel through the Vineyard Sound, over Nantucket Shoals, to her port of destination, in Boston Bay, or eastward thereof, shall be entitled to receive the following rates of pilotage, viz. : From the first day of November, until the thirty first day of March inclusive, for a vessel drawing not more than eleven feet of water, three dollars and fifty cents per foot ; if drawing over eleven feet, and not more than fourteen feet, four dollars per foot ; if drawing over fourteen feet, four dollars and fifty cents per foot : from the first day of April, until the thirty first day of October inclusive, for a vessel drawing not more than eleven feet of water, two dollars and fifty cents per foot ; if drawing over eleven feet, and not more than fourteen feet, three dollars per foot ; if drawing over fourteen feet, three dollars and fifty cents per foot ; with an addition of five dollars, if such person shall be landed at any place eastward of Cape Ann, and not eastward of Portsmouth, or of ten dollars, if landed eastward of Portsmouth.

Exceptions.

SEC. 2. *Be it further enacted*, That the provisions of this act shall not extend to any case where an agreement, in writing, shall be made between the master or owner of a vessel, and the person who may undertake to act as pilot of such vessel, fixing any other rate of pilotage or compensation, for such services.

SES. 3. *Be it further enacted*, That nothing contained in this act, shall, in any way, affect any law respecting pilotage, now in force in any part of this Commonwealth.

[Approved by the Governor, February 24th, 1820.]

CHAP. CCLXXXI.

An Act securing to Mechanics and others, Payment for their labor, and materials expended in erecting and repairing Houses and other Buildings, with their appurtenances.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That when any contract shall hereafter be made in writing, between the proprietor or proprietors of land, on the one part, and any person or persons, on the other part, for the erecting or repairing any house or other building or their appurtenances, or for furnishing labor or materials, for the purpose aforesaid, the person or persons, who shall, in pursuance of such contract, have furnished labor or materials for such purpose, shall have a lien to secure the payment of the same upon such building, and the lot of land, on which the same stands, and upon the right of redeeming the same, when the same has been previously conveyed in mortgage : *Provided, always,* that no such lien shall attach unless such contracts shall have been recorded in the Registry of Deeds, in the county in which the land, on which such house or other building has been erected or repaired, lies ; and no lien created by this act, shall continue in force more than six months from the time when the last instalment shall fall due, by the contract by which such lien shall be claimed, unless a legal process shall have been commenced for the purpose of enforcing such lien.

Lien on Buildings.

SEC. 2. *Be it further enacted,* That it shall be the duty of the Register of Deeds, in the county in which any such land may lie, to record all such contracts for the usual fees ; and when a contract shall consist of more than one part, the recording of one part shall be sufficient, and have the same effect as recording the whole.

Record of Deeds.

SEC. 3. *Be it further enacted,* That any person having a lien upon any building and the lot of land on which it stands, as aforesaid, may petition to the Judge

Petitions for
claiming Liens.

or Justices of the Court of Common Pleas, holden in the county in which the land, mentioned in any such contract may lie, to order a sale of such land, with the appurtenances ; in which case the Judge or Justices of such Court shall order notice to be given to all the creditors having a lien, as aforesaid, on such estate, to appear and make out their claims under such contracts ; and the owner or owners of such estate, to show cause, if any they have, why a decree, that such estate should be sold, should not be passed, by causing each of them to be served with an attested copy of said petition, and the order of Court thereon, fourteen days, at least, before the time assigned for a hearing upon said petition, or by causing an attested copy of such petition and order to be published, at such times, in such newspaper as the Court shall direct, the last publication to be, at least, fourteen days before the time assigned for such hearing ; and every such creditor, who does not appear and exhibit his claim to the Court, before the sale of such estate shall be decreed, as aforesaid, shall not be entitled to the benefit of such lien. And when it shall be made to appear to the Court, before which such petition shall be pending, either by the default or confession of the party petitioned against, or by the verdict of a jury, that any sum of money secured by such contract, had been due and unpaid sixty days at the time of preferring such petition, the Court may enter up judgment against the respondent, in favor of each of such lien creditors, for such sum as may be found due to them respectively, and may order the land and appurtenances, in such contract mentioned, to be sold at public auction, to pay and satisfy the same ; saving to the owner or owners of such estate, the right of redeeming the same, at any time within one year from the time of sale, by paying the purchaser, or any person claiming under him, the sum for which it was sold, with interest, at the rate of twelve per cent. ; deducting therefrom the rents and profits, over and above the necessary repairs. And in the hearing upon any such petition, each of such lien creditors shall have a right to contest the claim of the other by issue to the jury, or otherwise.

SEC. 4. *Be it further enacted*, That whenever the owner of any such estate, shall have so failed to per-

form his contract or contracts, in relation thereto, as aforesaid, that, in the opinion of the Court, said estate, according to the true intent and meaning of this act, ought to be sold, as aforesaid; and the person or persons, or any of them, who have so contracted to furnish labor or materials, for erecting or repairing such house or other buildings, and without any default on his, her, or their part, have not fully performed his, her, or their contract, a portion rate of the sum, stipulated to be paid to such lien contractor, shall be awarded to him, her, or them. And any creditor of the owner of any lot of land, on which an house or other building shall be erected or repaired, by contract, as aforesaid, who shall have caused such lot of land, with the appurtenances to be attached, to secure the payment of his demand, previously to any such lien creditor entering into, and recording, as aforesaid, his contract, for erecting or repairing such house, or other building, or their appurtenances, as aforesaid, shall be preferred to any such contracting creditor, so far as relates to the value of said land, or building, in the state in which they were at the time when erecting or repairing of such house or building was commenced. And the value of such lot of land, or land and building, at the time when the same shall be attached as aforesaid, shall be ascertained by the appraisal of three disinterested freeholders of the county, in which such land shall lie; one to be appointed by the petitioning creditor or creditors, one by the respondent, and one by the officer who shall make the sale. And in case the respondent neglects or refuses to appoint such appraiser, the appointment of two such appraisers, shall be made by such officer.

Sale of Estate.
for Lien.

SEC. 5. *Be it further enacted.* That in all cases, in which the Court shall order and decree, that any such estate shall be sold, as aforesaid, the sale shall be made by the Sheriff or his Deputy; and if the Sheriff be interested, then by the Coroner of the county in which such estate lies; and such notice shall be given of the time and place of sale, as is provided by law, when the right of redeeming real estate is sold, which has been conveyed in mortgage. And whenever it shall be found by the officer who has made such sale, that the net proceeds of such sale are insufficient to sat-

Manner of making sales.

isfy the sums which shall have been awarded to the lien contract creditors, and attaching creditors, according to the provisions of thie act, it shall be the duty of such officer, after satisfying this claim of the attaching creditor or creditors, if such there are, to apportion the net proceeds of such sale among the lien creditors, according to the sums to them respectively awarded; and if the net proceeds of the sale of such estate, shall exceed the amount of all the sums ascertained and awarded as aforesaid, it shall be the duty of such officer to pay over the excess to the respondent.

SEC. 6. *Be it further enacted,* That each and every lien Creditor, his Executors, Administrators, or Assigns, having received payment and satisfaction of his or their demands, according to the terms of such contract; or, when such house or other building shall have been sold, and the proceeds thereof paid over, according to the provisions of this act, each and every such lien Creditor, his Executors, Administrators, or Assigns, shall enter upon the margin of the record of such contract, a discharge of his or their lien upon such house or other building, created by such contract; or, by deed duly executed, release the same; and any party in interest shall be entitled to have like remedy for obtaining due discharge of such lien, in case the money shall be paid as aforesaid, as is now by law secured in equity to Mortgagers, their Heirs, Executors, Administrators, or Assigns.

Lien Creditors
to give discharges.

SEC. 7. *Be it further enacted,* That in all cases arising under this act, every party shall be entitled to a trial by jury, of any matter of fact in the cause; and any one or more of the parties may appeal from the judgment of the Court of Common Pleas, to the Supreme Judicial Court, as in other cases.

Each party
may claim trial
by jury.

[Approved by the Governor, February 24th, 1820.]

CHAP. CCLXXXII.

An Act in addition to an Act, entitled “An Act directing the Settlement of the Estates of Persons Deceased, and for the Conveyance of Real Estate, in certain cases.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That in all cases, wherein, upon a suggestion of waste, and according to the provisions of the ninth section of the act, entitled “an act directing the settlement of the estates of persons deceased, and for the conveyance of real estates, in certain cases,” passed on the fourth day of March, in the year of our Lord one thousand seven hundred and eighty four, a writ of *scire facias* shall issue against any executor or administrator, of any deceased person; and upon said writ being duly served and returned, such executor or administrator, shall make default of appearance, or coming in, shall not shew cause sufficient, to the contrary, execution shall be adjudged and awarded against him, of his own proper goods and estates, to the value of such waste, where it can be ascertained; otherwise for the whole sum recovered, with interest thereon, from the time when the first judgment was rendered; and for want of goods or estate, against the body of such executor or administrator.

Liability of Executors and Administrators.

[Approved by the Governor, February 24th, 1820.]

CHAP. CCLXXXIII.

An Act regulating the time for Inspecting Military Stores, Parading the Troops, and fixing the Compensation of certain Staff Officers.

SEC. 1. BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Brigade Quarter

Personal In-
spection.

Master of each brigade, within this Commonwealth, shall, once in two years, in the month of September, personally examine, view and inspect the military stores of each town and district within his brigade, (provided by such towns and districts,) and make return thereof to the Adjutant General, on or before the first day of November next, after such inspection, in the way and manner provided in the twenty second section of an act, passed the ninth* day of March, in the year of our Lord one thousand eight hundred and ten, entitled “an act for regulating, governing and training the militia of this Commonwealth.”

Biennial Re-
views.

SEC. 2. *Be it further enacted*, That all the troops of each division, shall be paraded, once in two years, for review, inspection, and discipline, either in brigades, regiments, or battalions of regiments, in the way and manner provided, in and by the twenty fifth section of the act aforesaid; and that the troops aforesaid shall not be paraded for the purposes aforesaid, in manner aforesaid, until the year of our Lord one thousand eight hundred and twenty one.

Pay of Brigade
Staff.

SEC. 3. *Be it further enacted*, That from and after the first day of March next, the several Brigade Majors, Brigade Quarter Masters, and Adjutants, shall each, annually, receive as a full compensation for his services, while in office, a sum not exceeding fifteen dollars; his account for such services, being first presented to, and allowed by the General Court.

SEC. 4. *Be it further enacted*, That any part of any act, which is inconsistent with, or repugnant to the provisions of this act, be, and the same is hereby repealed.

SEC. 5. *Be it further enacted*, That this act shall take effect from and after the fifteenth day of March next, and not before.

[Approved by the Governor, February 24th, 1820.]

* This is a mistake: it should be the sixth of March.

CHAP. CCLXXXIV.

An Act to apportion and assess a Tax of One Hundred and Thirty Three Thousand Three Hundred and Eighty Two Dollars and Thirty Four Cents, and to provide for the reimbursement of Twenty Five Thousand Three Hundred and Forty Dollars, paid out of the public Treasury to the Members of the House of Representatives, for their attendance at the last session of the General Court, and also such sums as have been and shall be paid to such Members as are from the District of Maine, for their attendance at the present session of the General Court.

Pay of Representatives.

[Approved by the Governor, February 25th, 1820.]

CHAP. CCLXXXV.

An Act to incorporate the Proprietors of Livermore Bridge.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Thomas Davis, and such others as have, or may hereafter associate with him or them, be, and they are hereby made a corporation, by the name of the Proprietors of Livermore Bridge, and by that name may sue and be sued to final judgment and execution, and have power to levy and collect taxes and assessments, and compel payment from delinquent proprietors, by force of law; and shall exercise and enjoy all other powers and privileges incident and usually granted to corporations for building bridges, and liable to the same duties and requirements to which other similar corporations are subject. And the said bridge shall be erected in the Town of Livermore, at or near Chenery's Mills, and shall be built of good and durable materials, not less than twenty four feet wide, and well covered with plank or timber suitable

Persons incorporated.

General powers.

ble for such a bridge, and with sufficient rails on each side, for the safety of passengers ; and the sills or string pieces, of said bridge, shall be laid at least eight feet above the surface of the water, at a high freshet.

Rates of Toll.

Sec. 2. *Be it further enacted*, That for remunerating to the proprietors, the money they may expend in building the said bridge, and keeping the same in good repair, a toll shall be, and hereby is granted and established, for the sole use and benefit of the said corporation, according to the rates following, viz. : for each foot passenger, two cents ; for one person and horse, eight cents ; for a single horse cart, sled, or sleigh, twelve cents and five mills ; for each wheelbarrow, hand cart, and every other vehicle capable of carrying a like weight, four cents ; for each team, including cart, sled, or sleigh, drawn by more than one beast, and not exceeding four beasts, sixteen cents ; and for every additional beast, above four, two cents each ; for each single horse and chaise, chair, or sulkey, twelve cents and five mills ; for each coach, chariot, phaeton, or curricule, twenty five cents ; for neat cattle or horses, exclusive of those rode on, or in carriages or teams, two cents each ; sheep and swine, one cent each ; and in all cases the same toll shall be paid for all carriages passing said bridge, whether the same be loaded or not loaded, and to each team, one man and no more, shall be allowed as a driver, to pass free from paying toll. And the said toll shall commence at the day of the first opening the said bridge for passengers, and shall so continue for and during the term of thirty years from the said day ; and after the expiration of that term, the said toll shall be subject to be regulated, or wholly discontinued, by the Legislature : *Provided*, the said proprietors shall, at all times, keep the said bridge in good, safe, and passable repair, during the term aforesaid : *Provided, also*, that all persons, inhabitants of the said Town of Livermore, going to, or returning from public religious worship, or going to, or returning from funerals ; children going to school and returning therefrom, shall, at all times, be permitted to pass said bridge free from toll.

Exemptions.

SEC. 3. *Be it further enacted*, That any three of the said proprietors may, by posting up a notification in

some public place, in the said Town of Livermore, notify and call a meeting of said proprietors, to be holden in Livermore, at such convenient time and place, as shall be expressed in said notification, ten days, at least, before the time of meeting; and the said proprietors being then met, allowing one vote to each share, (*provided*, no person shall be entitled to more than ten votes,) shall proceed to choose a Clerk, who shall be sworn to the faithful discharge of the duties of his office. And the said proprietors may, at the same, or a subsequent meeting, appoint such other officers as they may deem necessary for conducting their business, and may also agree on a mode for calling future meetings, and make and establish such rules and regulations as they may judge necessary and convenient for executing and completing the building the said bridge, for collecting the toll, hereby granted, and for the prudent and regular management of the affairs of the said corporation; and the same rules and regulations may enforce, and for the breach thereof, may order and demand fines and penalties, not exceeding twelve dollars: *Provided*, that said rules and regulations shall never be contrary to the constitution and laws of this Commonwealth.

Election of Officers.

By-Laws.

SEC. 4. *Be it further enacted*, That if the said corporation shall neglect, or refuse, for the term of seven years, from the passing of this act, to build and complete the said bridge, then this act shall be void and of no effect.

Time for erecting Bridge.

[Approved by the Governor, February 25th, 1820.]

CHAP. CCLXXXVI.

An Act to incorporate the Proprietors of Portsmouth Bridge.

WHEREAS the State of New Hampshire, by an act of the Legislature of the same, entitled "an act to incorporate the Proprietors of Portsmouth Bridge," which act was made and passed on the twenty eighth day of June, in the year of our Lord, one thousand

Preamble.

eight hundred and nineteen, did create and erect a certain body politic or corporate, for the purpose of building a bridge over Piscataqua River, between the Towns of Portsmouth, in the State of New Hampshire, and Kittery, in this Commonwealth; and whereas Samuel Leighton, and others, have petitioned the General Court to grant their approbation and assent to the said act of incorporation of the State of New Hampshire, and to erect them into a body politic and corporate, so that they, in concurrence with the corporation so created, in the State of New Hampshire, may carry into effect the great and valuable object aforesaid :

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Samuel Leighton, Isaac Lyman, John Hammond, Daniel Pierce, Mark Dennett, Elisha Shapleigh, Elisha Bragdon, William W. Fernald, and Edward Augustus Emerson, with their associates, who are, or shall become proprietors in said bridge, so long as they shall continue proprietors thereof, shall be a body politic and corporate, for the purpose aforesaid, by the name of the Proprietors of Portsmouth Bridge, with power to purchase and hold such estate as may be necessary to carry into effect the object of the said corporation, with full power, likewise, to unite with the proprietors of Portsmouth Bridge, aforesaid, in the State of New Hampshire, in carrying the same into effect; and with all the powers and privileges, and subject to all the liabilities incident to corporations of a similar nature.*

SEC. 2. *Be it further enacted, That Samuel Leighton, Isaac Lyman, and Mark Dennett, or any two of them, may call a meeting of said corporation, by advertisement, in the New Hampshire Gazette, to be holden at any suitable time and place, after seven days from the first publication of said advertisement; and the proprietors, by a vote of the majority of those present at such meeting, shall choose a Clerk; and at the same or any subsequent meeting, may elect such other officers and establish all such rules and by-laws, as may be deemed necessary, for the regulation and government of said corporation, and for carrying into effect the objects of the same; provided, said rules and by-laws,*

Proprietors.

General powers.

First Meeting.

Organization of Society.

be not repugnant to the constitution and laws of this Commonwealth.

SEC. 3. *Be it further enacted*, That the proprietors be, and hereby are permitted and empowered to erect a bridge over Piscataqua River, between the Towns of Location. Kittery or Eliot, in this Commonwealth, and Portsmouth, in the State of New Hampshire, in concurrence with the proprietors of Portsmouth Bridge, in New Hampshire, aforesaid.

SEC. 4. *Be it further enacted*, That for the purpose of reimbursing said proprietors, a toll be, and hereby is granted and established, for the sole benefit of said proprietors, according to the following rates, viz. : for Rates of Toll. each foot passenger, four cents ; for each person and horse, fifteen cents ; for each chaise, sleigh, or other pleasure carriage, drawn by one horse, thirty cents ; for each coach, chariot, sleigh, phaeton, or other pleasure carriage, drawn by two horses, sixty five cents ; for each coach, sleigh, or other pleasure carriage, drawn by four horses, eighty cents ; for each sled, sleigh, cart, or other carriage of burthen, drawn by one horse, sixteen cents ; for each cart, waggon, sled or sleigh, drawn by two horses, or oxen, twenty five cents ; and for each additional beast, five cents ; for neat cattle, or horses, exclusive of those rode on, or in teams or carriages, fifteen cents each ; for sheep and swine, two cents each. And to each team, one person, and no more, shall be allowed to pass free of toll. And, at all times, when the toll gatherer shall not attend his duty, the gate shall be left open. And the toll shall commence on the day of opening the bridge for passengers, and shall continue for the benefit of the said corporation forever : *Provided*, that in no case, shall the rates of toll, to be demanded and received for passing the said bridge, be greater than those which shall be established under the authority of the incorporation, aforesaid, of the State of New Hampshire : it being the intention of this Legislature, that, under the concurrent powers of the aforesaid corporations, one toll only, which shall Limitation of Rates. never exceed the rates above established, shall be demanded and taken by either or both of said corporations, for once passing the said bridge : *Provided, also*, that after the term of twenty years, the rates of toll

shall be subject to be altered by law. And the proprietors, aforesaid, shall, at the place where the said toll shall be collected, erect and keep constantly exposed to view, a sign or board, with the rates of toll fairly and legibly written thereon. And the said corporation may, if they see cause, commute the rate of toll with any person or persons, or with any corporation, by taking of him or them, a certain sum, annually, which may be mutually agreed on, in lieu of the toll aforesaid. And the said bridge shall be accommodated with, at least, eight lamps, which shall be well supplied with oil, and be constantly lighted during the night time, except when the moonlight may render it unnecessary.

Bridge Lamps.

Draw.

SEC. 5. *Be it further enacted*, That a draw or hoist in said bridge, shall be constructed over the channel of said river, of sufficient width for vessels to pass and repass freely; and the said proprietors shall cause the same to be hoisted or opened, without delay, for the accommodation of all such vessels as may have occasion to pass through the same, and for which the hoisting or opening said draw, may be necessary.

SEC. 6. *Be it further enacted*, That unless the said bridge be erected and finished within the term of nine years, then this grant shall be void.

Indemnity.

SEC. 7. *Be it further enacted*, That after the said toll shall commence, the said proprietors or corporation, shall pay to Alexander Rice, Esquire, his heirs, executors or administrators, the sum of four thousand dollars, together with interest, after one year, on the same, from the commencement of the said toll; which said sum and interest, shall be paid out of the first proceeds of the bridge, by the toll collected thereon; and the payment of the same, shall be in full consideration of the injury which may be sustained by the said Rice, by the loss of the income of the ferry from Kittery to Portsmouth; which ferry is not to be used as a public ferry, after the said bridge becomes passable, and while it continues so. And if said sum, or interest thereon, shall not be paid within one month from the time it shall become due as aforesaid, and shall have been demanded, then the said Rice, or his legal representatives, may have his action of debt, or other action at law, for the recovery thereof; and the corporate prop-

erty, rights, and franchises, of said corporation, may be attached, on the original writ, and taken and sold, on execution, for satisfying the judgment recovered, with the costs of levying the said execution, and the expenses of sale, in the same way and manner as is now provided by law, for the sale of personal property, taken on execution, excepting that ten days previous notice of such sale shall be given in some public newspaper, published in the Town of Portsmouth, in the the State of New Hampshire, in addition to the notice now required by law: *Provided, however*, that whenever the said bridge shall cease to be passable, the privilege of the ferry shall revert to the said Rice, his heirs, or assigns, as fully, and in the same manner, as if the said bridge had never been erected: *Provided, also*, that nothing contained in this act shall be construed to prevent the repairing or rebuilding of said bridge, without paying any additional sum whatever, for the income of said ferry. Reversion.

[Approved by the Governor, February 25th, 1820.]

CHAP. CCLXXXVII.

An Act in addition to an Act, entitled “An Act relating to the Separation of the District of Maine from Massachusetts Proper, and forming the same into a Separate and Independent State.”

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the consent of the Legislature of this Commonwealth be, and the same is hereby given, that the District of Maine may be formed and erected into a Separate and Independent State, upon the terms and conditions, and in conformity to the enactments contained in an act, entitled “an act relating to the Separation of the District of Maine from Massachusetts Proper, and forming the same into a Separate and Independent State,” whenever the Con-*

Extension of
Time.

gress of the United States shall give its consent thereto, any thing in the said act, limiting the time when such consent should be given, to the contrary notwithstanding: *Provided, however,* that if the Congress of the United States shall not have given its consent as aforesaid, before the fifteenth day of March next, then all parts of the act, to which this is an addition, and all matters therein contained, which by said act have date or operation from, or relation to the fifteenth day of March next, shall have date and operation from, and relation to the day on which the Congress of the United States shall give its consent as aforesaid: *Provided, also,* that if the Congress of the United States shall not give its consent as aforesaid, within two years from the fourth day of March next, this present act shall be void and of no effect.

Provisional
Government.

SEC. 2. *Be it further enacted,* That if it shall not be known on the first Monday of April next, that the Congress of the United States has given its consent as aforesaid, the people of the said District of Maine shall elect, provisionally, a Governor, Senators and Representatives, or other officers, necessary to the organization of the government thereof, as a Separate and Independent State, according to the provisions of the constitution of government agreed to by the people of the said District. And the persons so elected, shall assemble at the time and place designated by the said constitution, if the consent of Congress, as aforesaid, shall be given during the present session thereof, but not otherwise; and when assembled as aforesaid, and having first determined on the returns, and qualifications of the persons elected, they shall have the power, as Delegates of the people, for that purpose, to declare on behalf and in the name of the people, the said elections of such persons to be constitutional and valid, for the respective offices and stations, for which they shall have been elected as aforesaid. And if such declaration shall not be made before the persons so elected, shall proceed to transact business, as the Legislature of said State, the said election shall be wholly void, unless it shall appear, that the consent of Congress aforesaid, shall have been given on or before the said first Monday of April next. And if the consent of Congress as

aforesaid, shall be given after the said first Monday of April next, and the persons so elected, when assembled as aforesaid, shall not declare the said election valid and constitutional as aforesaid, within ten days from the last Wednesday of May next; then they shall cease to have any power to act in any capacity for the people of the said District, by virtue of their elections as aforesaid; and the people shall again choose Delegates, to meet in convention, in the manner, for the purposes, and with the powers set forth in the third and fourth sections of the act to which this is in addition; the said elections of such Delegates to be made on the first Monday of July next, and the Delegates to meet in convention, at Portland, on the the first Monday of September next.

[Approved by the Governor, February 25th, 1820.]

CHAP. CCLXXXVIII.

An Act in addition to an Act, entitled “An Act relating to the Punishment of Convicts, who may be sentenced to solitary imprisonment and confinement to hard labor.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Keeper of any County Gaol, or House of Correction, to which convicts have been, or may hereafter be committed, pursuant to an act, entitled “an act relating to the punishment of convicts, who may be sentenced to solitary imprisonment and confinement to hard labor,” whose accounts shall have been allowed and settled by the Justices of the respective courts, as by said act is provided, shall be allowed to receive the same out of the County Treasury: Provided, that, in future, a sum not exceeding one dollar per week, shall be allowed for the support of any convict. And the said Justices are hereby authorized to issue their order for the payment* Support of Convicts.

of the same, on the County Treasurer, accordingly. And the said County Treasurer shall charge, and be allowed the same, in his account against the Commonwealth, any thing in the act, to which this is an addition, to the contrary notwithstanding.

[Approved by the Governor, February 25th, 1820.]

CHAP. CCLXXXIX.

An Act providing for the Support of State Paupers.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That whenever any town within this Commonwealth shall incur expense in relieving or supporting any poor person, who has no settlement within the Commonwealth, such town shall be entitled to a reimbursement, at a rate not exceeding, in any case, the sum of one dollar per week for adults, and fifty five cents for children.

Rate of Board
for Paupers.

[Approved by the Governor, February 25th, 1820.]

CHAP. CCXC.

An Act to prevent the introduction of Paupers, from foreign ports or places.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That when any ship or vessel, having any passengers on board, who have no settlement within this Commonwealth, shall arrive at any port or harbor within the Commonwealth, the master of such ship or vessel shall, before such passengers come on shore, leave a list of their names and places of

residence, with the Selectmen or Overseers of the Poor of the town where such passengers shall be landed; and if, in the opinion of said Selectmen or Overseers of the Poor, any such passengers may be liable to become chargeable for their support to the Commonwealth, the master of such ship or vessel shall, within five days after his arrival, as aforesaid, and on being notified by the Selectmen to that effect, enter into bonds, with sufficient sureties, to the satisfaction of said Selectmen, in a sum not exceeding five hundred dollars for each passenger, to indemnify and save harmless such town, as well as the Commonwealth, from all manner of charge and expense, which may arise from such passengers, for and during the term of three years; and if the master of such ship or vessel shall land any such passengers, without entering their names and giving bonds as aforesaid, he shall forfeit and pay the sum of two hundred dollars for each passenger so landed, to be recovered by action of debt, by any person who shall sue for the same; one moiety thereof to the use of the Commonwealth, and the other moiety to the prosecutor; *provided*, this act shall not take effect until the first day of May next, and that nothing in this act shall be construed to extend to the master of any ship or vessel, in any voyage on which such ship or vessel may now be employed.

Bonds against
Pauperism.

[Approved by the Governor, February 25th, 1820.]

CHAP. CCXCI.

An Act to regulate the Fishery, in Piscataqua River.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, if any person or persons shall fish with a seine or net, more than twelve rods long, or with a trap line or setting line, so called, in Piscataqua River, or any of the branches thereof, within this

Penalties.

Commonwealth, at any season of the year, such person or persons, so offending, shall forfeit and pay, for fishing with a seine or net as aforesaid, ten dollars, and for fishing with a trap line or setting line, four dollars, to be recovered in an action of debt, in any court proper to try the same; one moiety to him or them who shall prosecute for the same, and the other moiety to the poor of the town, in which the offence was committed.

Forfeiture of Nets.

SEC. 2. *Be it further enacted*, That any seine, net or line, as aforesaid, which shall be found set in said river, or any branch thereof, without the owner of the same, or any other person, may be seized by any Constable or Fish Warden, in the town, in which the offence is committed, and the same shall be forfeited; one moiety to the officer seizing the same, and the other moiety to the informer. And it shall be the duty of the Selectmen of the Towns of Kittery and Eliot, annually, to appoint one or more suitable persons, in each town respectively, who shall be sworn to the faithful discharge of their trust, to be Fish Wardens, who shall receive certificates of their appointment from the Selectmen, and whose duty it shall be to carry this act into effect, and whose term of office shall continue from the time of their appointment, until the first day of May, then next ensuing.

Duty of Fish Wardens.

[Approved by the Governor, February 25th, 1820.]

COMMONWEALTH OF MASSACHUSETTS.

SECRETARY'S OFFICE, APRIL 6, 1820.

BY THIS, I CERTIFY, That the Laws printed in this pamphlet, passed at the session, beginning January 12th, and ending February 25th, 1820, have been compared with the originals in this office, and appear to be correct.

ALDEN BRADFORD,

Secretary of the Commonwealth.

LAWS

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, THE THIRTY
FIRST OF MAY, AND ENDED ON THE SEVENTEENTH OF JUNE,
ONE THOUSAND EIGHT HUNDRED AND TWENTY.

CHAP. I.

An Act concerning the Meetings of Proprietors of
General and Common Fields.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the first meeting of the proprietors of any tract of land, which has heretofore been, or may hereafter be established as a General and Common Field, by the Supreme Judicial Court, or any Court of Common Pleas, may be called and holden at any time in the year, upon application of two or more proprietors of such field, to a Justice of the Peace, in the manner provided for calling proprietors' meetings, by the act, entitled "an act concerning General and Common Fields;" and the Proprietors of General and Common Fields may adjourn their meetings from time to time, by a vote of the majority of proprietors present at any meeting.

Power to call
Meetings.

[Approved by the Governor, June 10th, 1820.]

CHAP. II.

An Act in addition to an Act, entitled “An Act regulating Damages on Inland Bills of Exchange.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That* when any Bill of Exchange, drawn or endorsed within this Commonwealth, payable within the State of Maine, which, upon being duly presented for acceptance, or payment, shall not be accepted or paid, according to the order of said bill, or to the terms of said acceptance, (if any,) and shall thereupon be regularly protested, every person drawing, or endorsing such bill, within this Commonwealth, who shall be liable by law, for the contents of said bill, to any holder or party thereto, shall, in addition to the contents of said bill, be liable for, and pay damages, at the rate of three per centum, on the amount of said bill; any thing in the act, entitled “an act regulating damages on Inland Bills of Exchange,” to the contrary notwithstanding.

Rate of Damages.

[Approved by the Governor, June 14th, 1820.]

CHAP. III.

An Act to cede to the United States the Jurisdiction of Ten Pound Island, in the Harbor of Gloucester.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That* the jurisdiction of Ten Pound Island, in the Harbor of Gloucester, and all the right and claim to the soil thereof, which this Commonwealth may have, be, and hereby is granted to the United States of America, for the purpose of erecting a Light House on the same; *provided*, that this

Grant of Jurisdiction.

Commonwealth shall retain, and does hereby retain, concurrent jurisdiction with the United States, in and over said land, so far as, that all civil and criminal processes, issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said land, or in any building which may be erected thereon, in the same way and manner as if the jurisdiction had not been granted as aforesaid.

Concurrent Jurisdiction.

[Approved by the Governor, June 14th, 1820.]

CHAP. IV.

An Act to annex Zachariah Gage and others, to the Third Congregational Society, in Beverly, and to annex Billy Patch to the First Parish in said town.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Zachariah Gage, Benjamin Trask, 2d, Dixy Woodberry, Obed Woodberry, 2d, Robert Woodberry, Junior, Osmon Gage, Nancy Ingersoll, Judith Cox, Lydia Haskell, Nathaniel Allen, Mary Obear, Thomas Elliot, Benjamin Knowlton, 3d, James Haskell, 2d, Zachariah P. Symmes, Mary Lamson and Hannah Boyles, of Beverly, in the County of Essex, with their families, polls, and estates, be, and hereby are set off from the First Parish, or whatever religious society they may be supposed to belong to, within the limits of the said First Parish, and annexed to the Third Congregational Society, in said Beverly; *provided*, that they be severally held to pay all taxes already legally assessed on them, and due to the said First Parish, prior to the date of this act.

Persons annexed.

Provisg.

SEC. 2. *Be it further enacted*, That Billy Patch, of Beverly, with his family, polls, and estate, be, and hereby is set off from said Third Congregational Society, and annexed to the said First Parish; *provided*, that said Billy Patch be held to pay all taxes already

legally assessed on him, and due to said society, prior to the date of this act.

[Approved by the Governor, June 14th, 1820.]

CHAP. V.

An Act in further addition to an Act, entitled “An Act in addition to the several Acts for establishing the Housatonuck Turnpike Corporation, and the Hudson Turnpike Corporation.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Housatonuck Turnpike Corporation be, and they are hereby empowered to remove their west gate, which now stands on the west side of West Stockbridge Mountain, so called, near the east line of West Stockbridge, on the road belonging to the said Corporation; eastwardly, between the place where the said gate now stands, and the east line of Daniel Phelps’ land, on the south side of said turnpike road, a few rods east of said Phelps’ dwelling house, in Stockbridge; any thing in the act, defining the general powers and duties of Turnpike Corporations, to the contrary, notwithstanding; and the said Corporation shall be subject to the same restrictions, limitations and conditions, and entitled to the same privileges, rights, and emoluments, as it regards the gate so removed, as they are entitled or subjected to, in the act to which this is in addition, passed the nineteenth day of June, eighteen hundred and sixteen.

Removal of
Gate.

[Approved by the Governor, June 14th, 1820.]

CHAP. VI.

An Act to annex Moses Fuller and others, to the
West Parish in Medway.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Isaac Bullard, Nathan Bullard, and Luther Green, of Medway, in the County of Norfolk, with their families and estates, be, and they are hereby set off, from the East Parish in Medway, and annexed to the West Parish in Medway aforesaid; and shall hereafter be liable to all the duties, and entitled to all the privileges, in said parish, which they would have been in the parishes to which they respectively belonged. Persons annexed. Duties and privileges.

SEC. 2. *Be it further enacted,* That Moses Fuller, of Franklin, in said county, with his family and estate, be, and he hereby is set off from Franklin, and annexed to the West Parish in Medway, for parochial purposes only; *provided, nevertheless,* that they be held to pay all legal taxes, and arrearages of taxes already granted, or assessed upon them, by the said First Parish in Franklin, and the said East Parish in Medway. And this act shall continue in force, as it respects the real estate of the said Moses Fuller, so long as he shall own, occupy and possess said estate in Franklin, and no longer. Persons set off. Proviso.

[Approved by the Governor, June 14th, 1820.]

CHAP. VII.

An Act to change the name of the town of Parsons.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the name of the Town

of Parsons, in the County of Essex, shall cease, and the said town shall hereafter be called and known, by the name of West Newbury, any law to the contrary notwithstanding.

[Approved by the Governor, June 14th, 1820.]

CHAP. VIII.

An Act to incorporate the Proprietors of the Essex Canal.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Jonathan Story, 4th, Jacob Story, Parker Burnham, Junior, Jonathan Burnham, Jonathan Story, Benjamin Burnham, Junior, John Dexter, Dudley Choate, Enoch Low, Winthrop Low, George Choate, Abel Story, David Story, Joshua Low, Adam Boyd, Samuel Burnham, Francis Burnham, Perkins Story, Jacob Burnham, Junior, Moses Marshall, William Andrews, Junior, Joseph Choate, Ebenezer Burnham, Junior, Epes Story, Nathan Burnham, Robert Crowell, and Tristram Brown, their associates, successors, and assigns, together with all others who may hereafter associate with them, be, and they are hereby made a Corporation, and body politic, forever, by the name and style of the Proprietors of the Essex Canal ; and by that name, may sue and be sued, prosecute and be prosecuted, to final judgment and execution ; and do, and suffer, all other acts and things, which bodies politic may, and ought, to do and suffer ; and the said Corporation shall have power and authority to make, have and use a common seal, and the same to break, alter and renew at pleasure.*

Persons incor-
porated.

General pow-
ers.

SEC. 2. *Be it further enacted, That any three of the persons above named, may call the first meeting of said proprietors, to be held in some suitable place, by*

posting up advertisements in the towns of Essex and Ipswich, seven days, at least, prior to the time appointed for such meeting; and the said proprietors, by a vote of a majority of those present, accounting and allowing one vote to each share, shall have power to choose a Clerk and Treasurer, who shall be severally sworn to the faithful discharge of the duties of their respective offices; which Clerk shall record this act, and truly and fairly record all rules, regulations and votes of said Corporation; and the said Corporation may, at the same, or any subsequent meeting, choose a President, and such other officers, agents, and servants, and invest them with such power and authority as may be found necessary for managing the business of said Corporation, and agree upon a method of calling future meetings; also have power to transact any business for the benefit of said Corporation, and to assess and recover reasonable fines and penalties of the members of said Corporation, for any breach of such rules and regulations, as they may adopt, not exceeding ten dollars for any one breach; *provided*, such rules and regulations shall not, in any case, be repugnant to the constitution and laws of this Commonwealth.

First Meeting.

Officers to be chosen.

Powers and obligations of Officers.

Proviso.

SEC. 3. *Be it further enacted*, That said Corporation shall have power to explore, mark, and lay out, a parcel of marsh, two rods wide, across the marshes from Fox Creek, so called, in Ipswich River, to Essex River, in any direction, which may be most convenient for them, by making the owners thereof a reasonable compensation for the same, (which compensation, if said owners and Corporation cannot agree upon, shall be decided by three disinterested freeholders, living within the vicinity of said marshes, one to be appointed by each party, and the third by those two, and the cost to be paid equally by the parties,) through and over which they may dig, make and complete a Canal, of suitable depth and width, for the passage of boats and rafts, drawing four or more feet of water, and to make such locks and gates as may be convenient or necessary, for the purpose of this act.

Corporate powers.

SEC. 4. *Be it further enacted*, That if any person or persons shall wilfully, maliciously, or contrary to law, take up, remove, break down, dig under, or other-

Fines for trespasses.

wise injure any part of said Canal, or any work or works connected with or appertaining to the same, or any part thereof, such person or persons, for every such offence, shall forfeit and pay to said Corporation treble such damages as said proprietors shall, to the Justice, or Court and Jury, before whom the trial shall be, make appear, that they have sustained, by means of the said trespass, to be sued for, and recovered, with costs, in any Court proper to try the same ; and such offender or offenders shall further be liable to indictment for such trespass or trespasses ; and on conviction thereof, shall be sentenced to pay a fine, to the use of the Commonwealth, of not less than ten dollars, nor more than fifty dollars.

Division of Shares.

SEC. 5. *Be it further enacted*, That the stock and property of said Corporation, shall be divided into thirty shares, certificates of which shall issue under the seal of said Corporation, and be signed by the President and Treasurer thereof ; and the said shares shall be deemed and taken to be personal estate, and may be transferred by indorsement ; and said transfers shall be recorded by the Clerk of said Corporation ; and the said Corporation may make assessments on the shares, for the purpose of effecting the object of the Corporation ; *Provided, however*, that the whole amount of the assessments on each share, after deducting the amount of all dividends, previously declared thereon, shall not exceed the sum of twenty-five dollars ; and in case the amount of twenty-five dollars so assessed on each share, will not supply the necessary funds, the Corporation may raise the funds required, by selling any shares not subscribed for, or by creating and selling any necessary number of shares, over and above the said thirty.

Proviso.

Assessments.

And if the proprietor of any share or shares, shall neglect or refuse to pay any assessment, for the term of thirty days after the same hath become due, the share or shares on which there is a delinquency, may be sold at public auction, notice of the time and place of sale being given by the Treasurer of said Corporation, by posting up advertisements thereof, in two or more public places, in the towns of Essex and Ipswich, ten days, at least, previous to the time of such sale ; and the proceeds of

Delinquent Shares sold.

such sale shall be applied to the payments due on the share or shares, so sold, with incidental charges ; and the surplus, if any, shall be paid to the former owner, or his legal representative, on demand ; and such sale shall give a good and complete title to the purchaser or purchasers, of such share or shares, and he shall receive a new certificate thereof, which shall be recorded by the Clerk of said Corporation ; or the said corporation may recover the amount of such assessments, and interest, with costs, in an action of debt, in any Court having jurisdiction thereof, as they shall elect and determine. Assessments may be sued for.

SEC. 6. *Be it further enacted*, That the said Corporation shall be entitled to ask and receive, for their sole benefit, of and from all rafts and boats, passing through said Canal, fees or toll, not exceeding the following rates, viz : For all rafts of timber, thirty cents per ton ; for all rafts of sawed lumber, of one inch thickness, seventy-five cents per thousand feet ; and other sawed lumber, in proportion, according to its thickness ; for every thousand shingles, twelve and half cents ; for every cord of fire wood, fifty cents ; and other lumber, such reasonable toll in proportion, as the Corporation shall determine. For a gondola, twenty cents per ton, on its capacity to carry ; for a pair of freighting canoes, seventy-five cents ; for smaller boats, fifty cents each ; for a sail boat, if over two tons, twenty-five cents per ton ; and the said toll shall commence as soon as said Canal shall be passable for rafts and boats, and be collected as shall be prescribed by said Corporation : *Provided, however*, that the fees or toll, shall at all times hereafter, be subject to the revision or alteration of the Legislature. Rates of Toll.

SEC. 7. *Be it further enacted*, That it shall be the duty of said Corporation to make and keep in good repair, at all times, a good and sufficient bridge, with a draw, over said Canal, where the causeway now crosses the marsh, which may be taken for the same, for the passage of teams and carriages, and every thing else necessary for the public convenience, toll free. Draw Bridge to be made.

SEC. 8. *Be it further enacted*, That if the said Corporation shall not complete a Canal, as aforesaid, passable for rafts and boats, drawing four or more feet

of water, within four years from and after the passing of this act, the same shall be void.

[Approved by the Governor, June 15th, 1820.]

CHAP. IX.

An Act to incorporate the Trustees of the Ministerial Fund, in the First Parish in West Springfield.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Samuel Lathrop, James Kent, and Justin Ely, all inhabitants of the First Parish in West Springfield, be, and they hereby are constituted a body politic and corporate, by the name of the Trustees of the Ministerial Fund, in the First Parish in West Springfield ; and by that name shall have perpetual succession ; may sue and be sued, plead and be impleaded, may have a common seal, and shall possess and enjoy such other powers and privileges as are incident to corporations of a like nature.*

Persons incor-
porated.

SEC. 2. *Be it further enacted, That the said Trustees shall have power to take and receive into their hands and possession, the whole of the funds at present belonging to said parish, and to sell the ministry lands, or any part thereof, belonging to said parish, at such time, and in such manner, as the inhabitants of said parish shall authorize and direct, and to make and execute deeds thereof to the purchasers ; and may receive and hold such further subscriptions, donations, grants, bequests, and devises as may hereafter be made to them, or to the inhabitants of said parish ; the interest of which fund shall be forever appropriated annually towards the support of such Congregational Minister as shall or may from time to time be ordained over the church and society in said parish ; *provided, however, the annual income of said fund shall not exceed twelve hundred dollars ; and provided also, that**

General Pow-
ers.

Proviso.

if the income of the said fund shall, at any time, exceed the amount of the annual salary of the Minister, the surplus may be appropriated, under a vote of the parish, to the promotion and encouragement of church music, and other parochial expenses.

SEC. 3. *Be it further enacted,* That the inhabitants of said parish, at any legal meeting to be called for that purpose, within one year from the passing of this act, may increase the number of Trustees, by electing, Trustees. by ballot, an additional number, not exceeding four, to those named in this act. And if the said inhabitants shall neglect to make such election, the Trustees herein named are hereby authorized, if they see fit, to choose an additional number of Trustees, so that the whole number shall never exceed seven. And in all cases, the attendance of a majority of the Board of Trustees shall be requisite for the transaction of business.

SEC. 4. *Be it further enacted,* That whenever any vacancy shall happen among said Trustees, by death, resignation, removal, or otherwise, the said parish, at any legal meeting called for that purpose, may fill up the vacancy. But if the parish shall neglect to fill Vacancies to be filled up. up any such vacancy, for the space of three months after it shall happen, the said Trustees are authorized to elect some suitable inhabitant of said parish, to fill up the vacancy in their Board.

SEC. 5. *Be it further enacted,* That the said Trustees shall appoint a Clerk, who shall be under oath, faithfully to record all the votes and transactions of the Board; and a Treasurer, who shall give bond to the Officers. Trustees and their successors, with sufficient surety, with condition to do and perform all the duties incumbent on him as Treasurer; which officers shall hold their respective offices until others shall be chosen to succeed them.

SEC. 6. *Be it further enacted,* That the records and proceedings of the Trustees shall at all times be open to the inspection of any Committee that may be appointed for that purpose, on behalf of the parish; and the Trustees shall, whenever called upon by a vote of the parish, make a report of the state of the fund. And if the said Trustees, or either of them, shall suffer the

said fund to be impaired or diminished, through their personal misconduct or misapplication, they shall be severally responsible to the parish to make good such loss, out of their private estate.

SEC. 6. *Be it further enacted*, That Samuel Lathrop, Esquire, be, and he hereby is authorized to call
First Meeting. the first meeting of the Trustees.

[Approved by the Governor, June 15th, 1820.]

CHAP. X.

An Act to establish the Wilbraham Turnpike.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Abel Bliss, Junior, William Clark, Aaron Woodward, John Adams, Junior, Ebenezer R. Warner, Moses Burt, Pynchon Bliss, and John Glover, together with such others as have, or may hereafter associate with them, their successors or assigns, be, and they are hereby made a Corporation, for making a Turnpike Road through Wilbraham, to the line between this State and Connecticut, beginning at the west end of First Massachusetts Turnpike, and extending thence in a southwesterly course, through Wilbraham Street, near to the house of John Adams, Junior, in said Wilbraham ; thence south, about twenty eight degrees west, or generally in that direction, as shall be found by the Committee appointed to mark said Turnpike Road, in the most convenient place, for the public, through said Wilbraham, and a part of Longmeadow, to the line between the States of Massachusetts and Connecticut, in a direction for the house of Calvin Hall, in Somers ; and for the purpose aforesaid, shall have all the powers and privileges, and shall also be subject to all the duties, requirements and penalties, prescribed and contained in an act, passed the sixteenth day of March, in the year of our Lord one thousand eight hundred and five, entitled "an act

Persons incorporated.

Boundaries.

General Powers.

defining the general powers and duties of Turnpike Corporations ;” and also of the several acts subsequent, and in addition thereto : *Provided, however,* that the said Turnpike Road, from the First Massachusetts Turnpike to the house of John Adams, Junior, may be only three rods in width : *And provided, also,* that if the said Corporation neglect to make and complete the said Turnpike Road, for the space of five years from the passing of this act, it shall then be void and of no effect. Proviso.

[Approved by the Governor, June 16th, 1820.]

CHAP. XI.

An Act to incorporate the Baptist Society, in Leicester.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That James Sprague, Jeremiah Pratt, Henry King, Ebenezer Dunbar, Daniel Woodward, Henry King, Junior, Richard Bond, Elkhanah Haven, Abner Dunbar, Lebbeus Turner, James Collar, Junior, David Parker, William Rowland, Daniel Muzzy, Hezekiah Stone, Nathan Crage, Joshua Lamb, Jacob Bond, Salem Livermore, Jonathan Warren, Junior, Samuel Cutler, Willard Converse, and Ephraim Copeland, with their families and estates, together with such others as may hereafter associate with them, and their successors, be, and they are hereby incorporated into a Society, by the name of the Baptist Society, in Leicester, with all the privileges, powers, rights and immunities, to which other parishes are entitled by the constitution and laws of this Commonwealth. Persons incorporated.

SEC. 2. *Be it further enacted,* That whenever any person, belonging to said society, shall incline to withdraw therefrom, by signifying such his desire, in writing, to the Clerk of said Baptist Society, and by notifying thereof the Clerk of the town in which he General Powers.

Terms of secession.

Proviso.

resides, he, with his polls and estates, shall be discharged from said Baptist Society : *Provided, however,* that such person shall be liable to pay his proportion of all assessments previously made upon the members of said Baptist Society.

Meetings.

SEC. 3. *Be it further enacted,* That either of the Justices of the Peace for the County of Worcester, upon application therefor, is authorized to issue his warrant, directed to some member of said society, requiring him to warn the members thereof, to meet at such time and place, as shall be appointed in said warrant, to choose such officers, as parishes are, by law, empowered and required to choose, at their annual meeting, in March or April.

[Approved by the Governor, June 16th, 1820.]

CHAP. XII.

An Act to establish the First Baptist Society, in Washington.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Seneca Remington, Ezekiel Remington, Isaac Williams, Junior, Thomas Williams, 2d, Jedediah Bushnell, Jedediah Bushnell, Junior, Noah Y. Bushnell, Isaac Holmes, Jonathan Chapel, John Holmes, Zeruah Chapel, Henry Remington, and John McKnight, Junior, of Washington, in the County of Berkshire, together with those who have, or may hereafter associate with them, with their respective polls and estates, be, and they hereby are incorporated by the name of the First Baptist Society, in Washington, with all the privileges, powers and immunities, and subject to all the duties which parishes in this Commonwealth, by law, enjoy and perform.

General Powers.

SEC. 2. *Be it further enacted,* That whenever any member of said society, shall be disposed to withdraw

his connexion from the same, he or she, shall produce a certificate from the Minister, or Clerk of the Society, with which he or she, wishes to become connected, that such person has actually associated with such Terms of seces-
sion. society, for religious worship; which certificate shall be lodged with the Clerk of the Society from which he withdraws, and shall be taken as evidence of a change in his or her, parochial connexion: *Provided*, Proviso. *however*, that he or she, shall pay all parochial taxes, from him or her, due at the time the certificate is lodged, his or her parochial relation shall be considered as altered.

SEC. 3. *Be it further enacted*, That any Justice of the Peace, in the town of Washington, be, and he is hereby authorized and empowered, to issue his warrant, directed to some suitable person, who shall be a member of said Society, requiring him to warn a meet- Meetings. ing thereof, at such time and place as he shall appoint in said warrant, to choose all such officers, as parishes in this Commonwealth are, by law, entitled to choose in the month of March or April, annually.

[Approved by the Governor, June 16th, 1820.]

CHAP. XIII.

An Act to incorporate the Eagle Insurance Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Zebedee Cook, Junior, Persons incor-
porated. Amos Binney, Ezra A. Bourne, with their associates, successors and assigns, be, and they hereby are incorporated into a Company and body politic, by the name of the Eagle Insurance Company, with all the powers and privileges granted to Insurance Companies, and General pow-
ers. subject to all the restrictions, duties and obligations contained in a law of this Commonwealth, entitled "an act to define the powers, duties and restrictions of Insurance Companies," passed on the sixteenth day of

Limitation of
Charter.

May hold Real
Estate.

Proviso.

Capital Stock.

Installments.

Board of Direct-
ors.

Election of Offi-
cers.

Proviso.

February, in the year of our Lord one thousand eight hundred and eighteen, for and during the term of twenty years after the passing of this act ; and by that name, may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution ; and may have a common seal, which they may alter at pleasure, and may purchase, hold and convey any estate, real or personal, for the use of the said Company ; *provided*, the said real estate shall not exceed the value of twenty thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said Company.

SEC. 2. *Be it further enacted*, That the capital stock of said Company shall be not less than one hundred thousand dollars, nor more than three hundred thousand, and shall be divided into shares of one hundred dollars each ; fifty per centum of which shall be paid in money within sixty days after the first meeting of said Company, and the residue in such installments, and under such penalties, as the President and Directors shall, in their discretion, direct and appoint.

SEC. 3. *Be it further enacted*, That the stock, property, affairs and concerns of the said Company, shall be managed and conducted by nine Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others are chosen, and no longer, and who shall at the time of their election, be stockholders and citizens of this Commonwealth, and shall be elected on the second Monday of January, in each and every year, at such time of the day, and in such place, in the town of Boston, as a majority of the Directors, for the time being, shall appoint ; of which election, public notice shall be given in two of the newspapers, printed in the town of Boston, and continued for the space of ten days, immediately preceding such election ; and the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote for each share in the capital stock ; *provided*, that no stockholder shall be allowed more than ten votes, and absent stockholders may vote by proxy, under such regulations as the said Company shall prescribe. And, if through any unavoidable accident, the said Directors should not be

chosen on the second Monday of January, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed.

SEC. 4. *Be it further enacted*, That the Directors, when chosen, shall meet as soon as may be, after every election, and shall choose, out of their body, one person to be President, who shall be sworn faithfully to discharge the duties of his office, and who shall preside for one year; and in case of the death, resignation or inability to serve of the President or any Director, such vacancy or vacancies, shall be filled for the remainder of the year in which they happen, by a special election for that purpose, to be held in the same manner as herein before directed, respecting annual elections of Directors. Vacancies filled up.

SEC. 5. *Be it further enacted*, That the President and four of the Directors, or five Directors in the absence of the President, shall be a Board competent for the transaction of business, and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of said Company, and the transfer of the shares, and touching the duties and conduct of the several Officers, Clerks and Servants employed, and the election of Directors, and all such matters as appertain to the business of insurance; and also shall have power to appoint a Secretary, and so many Clerks and Servants, for carrying on the said business, and with such salaries and allowances to them, and to the President, as to the said Board shall seem meet: *Provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth. By-Laws, Salaries, Proviso.

SEC. 6. *Be it further enacted*, That any two or more persons, named in this act of incorporation, are hereby authorized to call a meeting of the said Company, as soon as may be, in Boston, by advertising the same for two successive weeks, in two of the newspapers, printed in Boston, for the purpose of electing a first Board of Directors, who shall continue in office until the second Monday in January, in the year of our Lord then next ensuing. First Meeting.

SEC. 7. *Be it further enacted, That the said Company is hereby authorized to make insurance against fire, on such terms and conditions as the parties may agree, on any dwelling house or other buildings, as well as any other property, within the United States of America: Provided, that no greater sum shall be insured on any one risk of fire, than ten per centum of the amount of the capital stock of said corporation actually paid in.*

[Approved by the Governor, June 16th, 1820.]

CHAP. XIV.

An Act to establish the Terms of the Supreme Judicial Court.

Full Bench.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the terms of the Supreme Judicial Court, which by law, are required to be holden by three or more of the Justices thereof, shall be annually holden at the times and places herein provided, viz :*

At Boston, within the County of Suffolk, and for the Counties of Suffolk and Nantucket, on the first Tuesday of March.

At Lenox, within and for the County of Berkshire, on the second Tuesday of September.

At Northampton, within the County of Hampshire, and for the Counties of Hampshire, Franklin and Hampden, on the fourth Tuesday of September.

Times and places for holding Courts.

At Worcester, within and for the County of Worcester, on the first Tuesday, next after the fourth Tuesday of September.

At Cambridge, within and for the County of Middlesex, on the second Tuesday, next after the fourth Tuesday of September.

At Taunton, within the County of Bristol, and at Plymouth, within the County of Plymouth, alter-

nately, beginning at Taunton, for the Counties of Bristol, Plymouth, Barnstable, and Dukes' County, on the third Tuesday, next after the fourth Tuesday of September.

Times and places for holding Courts.

At Dedham, within and for the County of Norfolk, on the fourth Tuesday, next after the fourth Tuesday of September.

At Salem, within and for the County of Essex, on the fifth Tuesday, next after the fourth Tuesday of September.

SEC. 2. *Be it further enacted*, That the term of said Court, herein provided to be holden at Lenox, for the County of Berkshire, may be commenced by any one of the Justices thereof, who shall have cognizance and jurisdiction of all causes, matters, and things, which by law are cognizable by the said Court, when holden by one of the Justices thereof, and may proceed to hear and determine, according to law, all such causes, matters and things, until three or more Justices of said Court shall be present during said term: *Provided*, that the term of said Court, which stands adjourned to the first Tuesday of September next, be, and the same is hereby abolished; and all causes, matters and things, pending therein, shall stand continued to, and be heard and determined, at the term herein provided to be holden on the second Tuesday of September.

One Judge may commence business.

Proviso.

SEC. 3. *Be it further enacted*, That all questions of law, and other matters, now cognizable in the Supreme Judicial Court, at the term thereof, which was to have been holden at Taunton, in the County of Bristol, on the second Tuesday of July next, shall have day in, and be heard and determined by the said Court, to be holden in October next, by virtue of this act. And the said Court shall, at the same term, have jurisdiction of, and shall hear and determine all causes, civil and criminal, arising within the County of Bristol, to the same extent, and in the same manner, as if the said Court were holden for the said county alone, by virtue of former acts of the General Court; and to that end, a Grand Jury shall be summoned by the Clerk, to attend said Court, and the Justice or Justices thereof, may direct venires to be issued for Traverse Juries, returnable on such day of said Court, or of any

Term altered.

adjournment thereof, as they shall order. And all writs, processes, recognizances, matters and things, which are or may be returnable to the said Court, at the next term thereof, for said County of Bristol, according to the laws now in force, shall have day in, and be heard and determined at the next term thereof, as established by this act. And all appeals from the Circuit Court of Common Pleas, for said county, which may be claimed and allowed, before the sitting of the said Court, as aforesaid, shall be entered, proceeded upon, and determined at said term, as law and justice shall require.

Courts to be
held at North-
ampton.

SEC. 4. *Be it further enacted*, That it shall be the duty of the several Clerks of the Counties of Franklin and Hampden, to attend the Supreme Judicial Courts, when holden for those counties, at Northampton, within the County of Hampshire, as provided by this act; and to have there a docket of all such causes as may be pending in either of their counties and cognizable by the said Court, at Northampton, together with all files and papers relating to said causes, and such copies as may be required by the Court; or to transmit such docket, files, papers, and copies to the Clerk of said Court, for the County of Hampshire. And all orders, decrees, and judgments of the said Courts, shall be entered in the docket for the county, within which the suit is pending, to which such orders, decrees, or judgments may relate, by the Clerk of the same county, if attending, otherwise by the Clerk of the said County of Hampshire; and such dockets, together with the files and papers aforesaid, shall, after the rising of said Court, be forthwith remitted to the Clerk of the county to which they may pertain, who shall record all the judgments and proceedings of the Courts, relating to suits or other matters, pending in his county, and shall issue executions, and other proper process thereon, in like manner as if the same had been transacted in the county for which he is the Clerk; and all fees payable to the Clerk, for services at said Court, shall be received by the Clerk by whom such services shall be performed.

SEC. 5. *Be it further enacted*, That whenever, by reason of sickness, accident, or any unforeseen cause,

three of the Justices of the said Court, shall not have arrived at the place appointed for holding the same, in due season for the opening thereof, it shall be lawful for any one of the said Justices, to cause the Court to be opened, and to proceed in, and transact all such business as may be proceeded in, and transacted at any term of said Court holden by one Justice thereof. And if from the causes aforesaid, at any term, to be holden by virtue of this act, neither of the Justices shall arrive before sunset of the day on which the Court should open, the Sheriff of the county, wherein the same is to be holden, or in his absence, any Deputy Sheriff of said county, shall, by proclamation, posted up on the door of the Court House, adjourn the Court from day to day, until one of the Justices thereof shall arrive.

Courts may adjourn.

SEC. 6. *Be it further enacted,* That hereafter, the terms of the Supreme Judicial Court, which may, by law, be holden by one or more of the Justices of said Court, shall be holden annually, for the several counties, at the times and places following, viz :

At Dedham, within and for the County of Norfolk, on the third Tuesday of February.

At Concord, within and for the County of Middlesex, on the fourth Monday of March.

At Ipswich, within and for the County of Essex, and at Worcester, within and for the County of Worcester, on the sixth Tuesday, next after the first Tuesday of March.

Times of holding Courts.

At Greenfield, within and for the County of Franklin, and at Taunton, within and for the County of Bristol, on the seventh Tuesday, next after the first Tuesday of March.

At Northampton, within and for the County of Hampshire, on the eighth Tuesday, next after the first Tuesday of March.

At Springfield, within and for the County of Hampden, and at Barnstable, within and for the Counties of Barnstable and Dukes' County, on the ninth Tuesday, next after the first Tuesday of March.

At Lenox, within and for the County of Berkshire, and at Plymouth, within and for the County of Plymouth, on the tenth Tuesday, next after the first Tuesday of March.

Times and places for holding Courts.

At Boston, within and for the County of Suffolk, and for the Counties of Suffolk and Nantucket, on the sixth Tuesday, next after the fourth Tuesday of September.

Designation of days.

SEC. 7. *Be it further enacted*, That it shall be lawful, in all writs, processes, records and judicial proceedings, civil and criminal, to express and designate the Tuesday on which any of the terms are to be holden by virtue of this act, by the Tuesday of the month in which the same shall happen.

Confessions.

SEC. 8. *Be it further enacted*, That whenever any indictment for a capital offence, shall be found at any term of said Court, holden by one Justice thereof, it shall be lawful for the Court to cause the person indicted to be arraigned, and if any person so indicted shall, by plea in common form, confess himself or herself guilty, to award sentence according to law; and if such person shall deny the charge, and put himself or herself upon trial, the Court so holden, may assign counsel, and order and take all measures preparatory for trial, in the same manner as if the same Court were holden by three or more Justices thereof.

Jury Summons.

SEC. 9. *Be it further enacted*, That whenever the Supreme Judicial Court, at any term thereof, shall be adjourned to any future day, it shall be lawful for the Justices, or any one thereof, to cause the Grand Jurors who where duly returned and sworn at the beginning of the term, to be summoned anew, to attend at the adjournment; and it shall be the duty of the said Grand Jurors to attend accordingly. And all crimes and offences happening before said adjourned session, may be presented by said Grand Jury so assembled, and heard and determined by the Court, in the same manner as they might be at any regular term. And all appeals in civil actions, claimed and allowed in any Court of Common Pleas, for any county, within which the Court may be so holden by adjournment, may be entered, proceeded upon, and determined, at such adjourned term in like manner.

Divorces.

SEC. 10. *Be it further enacted*, That all causes of alimony and divorce, may be heard and tried by the said Court, when holden by one Justice thereof, saving the right to the parties to except to the opinion of said

Justice, in any matter of law, in the same manner as is provided in suits at common law. And all acts and laws, heretofore passed, relating to the subjects herein provided for, so far as they are repugnant to, or inconsistent with the provisions of this act, are hereby repealed: *Provided, nevertheless*, that this act shall not take effect in the Counties of Barnstable, Dukes' County, and Plymouth, except in relation to the law term for those counties, until the year one thousand eight hundred and twenty-one; but that the terms of the said Court shall be holden for those counties in the month of October next, in the same manner as if this act had not passed.

[Approved by the Governor, June 16th, 1820.]

CHAP. XV.

An Act relating to the calling of a Convention of Delegates of the People, for the purpose of Revising the Constitution.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the inhabitants of the several towns, districts, and places within this Commonwealth, qualified to vote for Senators or Representatives in the General Court, shall assemble in regular town meetings, to be notified in the usual manner, on the third Monday in August next, and shall, in open town meeting, give in their votes, by ballot, on this question: "Is it expedient, that Delegates should be chosen, to meet in Convention, for the purpose of revising, or altering the Constitution of Government of this Commonwealth?" And the Selectmen of the said towns and districts, shall, in open town meeting, receive, sort, count, and declare, and the Clerks thereof shall, respectively, record the votes given for and against the measure; and exact returns thereof shall

Qualification of
Voters.

Question of
Votes.

Votes to be returned.

Declaration of Votes.

Election of Delegates.

Terms of Election.

be made out, under the hands of a majority of the Selectmen, and of the Clerk, who shall seal up, and deliver the same to the Sheriff of the county, within one week from the time of meeting, to be by him transmitted to the office of the Secretary of the Commonwealth, on or before the second Monday in September next; or the Selectmen may themselves transmit the same to said office, on or before the day last mentioned; and all returns not then made, shall be rejected in the counting. And the Governor and Council shall open and examine the returns, made as aforesaid, and count the votes given on the said question; and the Governor shall, by public proclamation, to be made on or before the third Monday in said month of September, make known the result, by declaring the number appearing in favor of choosing Delegates for the purpose aforesaid, and the number of votes appearing against the same: And if it shall appear, that a majority of the votes given in, and returned as aforesaid, are in favor of choosing Delegates as aforesaid, the same shall be deemed and taken to be the will of the people of the Commonwealth, that a Convention should meet accordingly; and in case of such majority, the Governor shall call upon the people to elect Delegates to meet in Convention, in the manner hereinafter provided.

SEC. 2. *Be it further enacted*, That if it shall be declared by the said proclamation, that the majority of votes as aforesaid, is in favor of choosing Delegates, as above mentioned, the inhabitants of the several towns and districts within the Commonwealth, now entitled to send one or more Representatives to the General Court, shall, on the third Monday in October next, assemble in town meeting, to be duly notified by warrant from the Selectmen, and shall elect one or more Delegates, not exceeding the number of Representatives to which such town is entitled, to meet Delegates from other towns in Convention, for the purposes hereinafter expressed: And at such meeting of the inhabitants, every person entitled to vote for Representatives in the General Court, shall have a right to vote in the choice of Delegates; and the Selectmen shall preside at such elections; and shall, in open meeting, receive, sort, count, and declare the votes,

and the Clerk shall make a record thereof, fair copies of which, attested by the Selectmen and Clerk, shall be seasonably delivered to each person chosen a Delegate as aforesaid. And all laws now in force, regulating the duty and conduct of Town Officers, Sheriffs, Magistrates, and Electors, in the elections of Governor, Lieutenant Governor, Counsellors and Senators, and Representatives, shall, as far as applicable, apply and be in full force and operation as to all meetings holden, and elections and returns made under this act, or which, by this act, are required to be holden or made, and upon the like forfeitures and penalties.

SEC. 3. *Be it further enacted*, That the persons so elected Delegates, shall meet in Convention, in the State House, in Boston, on the third Wednesday in November next; and they shall be the judges of the returns and election of their own members, and may adjourn from time to time, and one hundred of the persons elected, shall constitute a quorum for the transaction of business; and they shall proceed as soon as may be, to organize themselves in Convention, by choosing a President, and such other officers as they may deem expedient, and by establishing proper rules of proceeding; and when organized, they may take into consideration the propriety and expediency of making any, and if any, what, alterations or amendments in the present Constitution of Government of the Commonwealth; and such amendments, when made and adopted by the said Convention, shall be submitted to the people for their ratification and adoption, in such manner as the said Convention shall direct; and if ratified by the people in the manner directed by the said Convention, the Constitution shall be deemed and taken to be altered or amended accordingly; and if not so ratified, the present Constitution shall be and remain the Constitution of Government of this Commonwealth.

Powers of Delegates.

Doings submitted to the people.

SEC. 4. *Be it further enacted*, That the said Convention shall establish the pay or compensation of its officers and members, and the expense of its session; and His Excellency the Governor, by and with the

Pay of Delegates.

advice and consent of the Council, is authorized to draw his warrant on the Treasurer therefor.

Proclamation
for electing
Delegates.

SEC. 5. *Be it further enacted*, That the Secretary of the Commonwealth, be, and he hereby is directed, forthwith, after the passage thereof, to transmit printed copies of this act, to the Selectmen of every town and district within the said Commonwealth; and whenever the Governor shall issue his proclamation, calling upon the people to elect Delegates, to meet in Convention, as aforesaid, the said Secretary shall also, immediately thereafter, transmit printed copies of said proclamation, attested by himself, to the Selectmen of every town and district in said Commonwealth.

[Approved by the Governor, June 16th, 1820.]

CHAP. XVI.

An Act to exempt Students from Military Duty.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, all Students of Incorporated Academies, within this Commonwealth, while actually attending the same, except such Students as belong to the town in which such Academy is situated, are hereby exempted from performing military duty, any thing in the act, passed on the sixth day of February, in the year of our Lord one thousand eight hundred and ten, entitled, "an act for regulating, governing and training the militia of this Commonwealth," to the contrary notwithstanding.

[Approved by the Governor, June 16th, 1820.]

CHAP. XVII.

An Act to incorporate the Essex Street Church.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Nathan Parker, James Millidge, Joshua Bean, and Joseph Morton, inhabitants of the Town of Boston, their associates, successors and assigns, be, and they hereby are incorporated and made a body politic and corporate, by the name of the Essex Street Church. Persons incorporated.

SEC. 2. *Be it further enacted,* That said Corporation may have and use a common seal, and the same may break, alter, and renew, at pleasure; shall be capable of suing and being sued, in any actions, real, personal and mixed, in any Court proper to try the same; shall and may, take and hold, in fee simple, or otherwise, by gift, grant, devise or purchase, any estate, real or personal, the aggregate annual income of which shall not exceed four thousand dollars, and may sell and dispose thereof at pleasure. General Powers.

[Approved by the Governor, June 16th, 1820.]

CHAP. XVIII.

An Act to annex Asa Parker and Elijah Saunderson to the Second Congregational Parish, in Deerfield.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Asa Parker and Elijah Saunderson, of Whately, in the County of Franklin, together with their polls and estates, be, and they hereby are set off, for parochial purposes only, from the Congregational Society, in the Town of Whately, and annexed to the Second Congregational Parish, in Persons set off.

Privileges.

Proviso.

Deerfield, in said county ; and shall enjoy all the privileges and immunities, and be subject to all the requirements that the members of said Second Parish in Deerfield are now subject to : *Provided*, that the said Asa Parker and Elijah Saunderson, shall be holden to pay all taxes due from them, to the said Congregational Society, in Whately.

[Approved by the Governor, June 16th, 1820.]

CHAP. XIX.

An Act to incorporate the First Congregational Parish, in Natick.

Parish Incorporation.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the inhabitants of the Town of Natick, with all the lands in the said town, except such inhabitants, and such lands, as do, by law, belong to some other parish, or religious society, or are exempt, by law, from parish charges, in the said Town of Natick, be, and they are hereby incorporated into a Parish, by the name of the First Congregational Parish, in Natick ; subject to all the duties, and vested with all the powers and privileges, to which parishes are entitled, by the constitution and laws of this Commonwealth.*

SEC. 2. *Be it further enacted, That the said First Congregational Parish shall be deemed, and taken to be successor to the said Town of Natick, as far as relates to parochial proceedings, and successor to the inhabitants of the said town, heretofore acting as a parish or society, in all their parish rights, and subject to all contracts and obligations of a parochial nature, which may have been made, either by the said town, or said inhabitants. And all the votes and proceedings of the said Town of Natick, relative to parochial affairs, and the votes and proceedings of the said in-*

habitants, of a parochial nature, under whatever name they may have acted, are hereby confirmed, and made valid, to all intents and purposes, as if the same votes and proceedings had been done in a legal meeting of an incorporated parish. Legality of proceedings.

SEC. 3. *Be it further enacted*, That so much of an act, passed the twenty-second day of June, in the year of our Lord one thousand eight hundred and twelve, entitled "an act to authorize the Town of Natick to sell the Ministry Lands, and to appropriate the proceeds thereof towards the Ministerial Funds, and to appoint Trustees for the management thereof," as is contrary, or inconsistent with the provisions of this act, be, and hereby is repealed; and in lieu of the Board of Trustees, as is provided in the said act, the Deacons of the Church, and the Parish Committee, with the Treasurer and Clerk of the Parish, for the time being, be, and they are hereby constituted and appointed Trustees of the Fund, which now is, or may hereafter be accumulated, for the support of the Ministry in the said parish; and who shall be held responsible therefor; and shall render an account of the state of the said fund, annually, to the said parish, at their annual parish meeting. Power of Trustees.

SEC. 4. *Be it further enacted*, That in pursuance of this act, the first meeting of the said parish, shall be convened by a warrant, to be issued by any of the Justices of the Peace, in the County of Middlesex, directed to a freehold inhabitant of said parish, requiring him to notify and warn the members thereof, to meet at such convenient time and place, as shall be appointed, in said warrant, to organize the said Trustees, and to do all other business, which may then and there be necessary and proper to be done. First Meeting.

[Approved by the Governor, June 16th, 1820.]

CHAP. XX.

An Act to annex Leonard Hyde and Lucy Gould to the Third Parish, in Roxbury.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Leonard Hyde and Lucy Gould, with their families and estates, be, and they are hereby set off from the first, and annexed to the Third Parish, in Roxbury; *provided*, that the said Leonard Hyde and Lucy Gould shall be holden to pay their respective proportion of taxes assessed, and due to the said First Parish, prior to the date of this act.

Persons set off.

Proviso.

[Approved by the Governor, June 17th, 1820.]

CHAP. XXI.

An Act to authorize a Special Session of the Courts of Common Pleas.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Justices of the several Circuit Courts of Common Pleas, and the Judge of the Boston Court of Common Pleas, within this Commonwealth, be, and they hereby are respectively authorized and empowered to hold a special session of their respective Courts, in any county within their respective jurisdictions, at such times as they may think expedient, for the purpose of administering such oaths and affirmations to pensioners of the United States, and for transacting such other business, pertaining thereto, as are required by a law of the United States, passed on the first day of May, in the year of our Lord one thousand eight hundred and twenty, entitled "an act in addition to an act to provide for certain persons en-

Special Session.

gaged in the land and naval service of the United States, in the revolutionary war," passed on the eighteenth day of March, in the year of our Lord one thousand eight hundred and eighteen.

SEC. 2. *Be it further enacted*, That a special session of any Circuit Court of Common Pleas, or of the Boston Court of Common Pleas, for the purposes aforesaid, may be notified in such manner as the Justices thereof shall think proper; and the same may be held, and all the business aforesaid transacted by any one or more of said Justices, or the Judge thereof, who may also adjourn the Court so holden, from time to time, as the business thereof shall require: *Provided*, however, that neither the Commonwealth, nor any county, shall be liable for any expense incurred by reason of any such special session of said Court, or the adjournment thereof.

Adjournment.

Proviso.

[Approved by the Governor, June 17th, 1820.]

CHAP. XXII.

An Act to suspend the operation of the seventh section of an Act, entitled "An Act further regulating the Fishery in the Merrimack River, and the streams running into the same."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the seventh section of an act, entitled "an act further regulating the Fishery in the Merrimack River, and the streams running into the same," passed on the eighteenth day of June, in the year of our Lord one thousand eight hundred and nineteen, be, and the same hereby is suspended in its operation, until the first day of April next.

[Approved by the Governor, June 17th, 1820.]

CHAP. XXIII.

An Act to incorporate the Linnæan Society of New England.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Jacob Bigelow, John Davis, William S. Shaw, George Hayward, and John W. Webster, with their associates, together with such other persons as shall, from time to time, be duly admitted members of the Corporation hereby created, be, and they hereby are formed into, and constituted a body politic and corporate, under the name of the Linnæan Society of New England, for the purpose of promoting the science of natural history.

Persons incor-
porated.

SEC. 2. *Be it further enacted*, That the members of said Society shall have power to elect a President, and all other necessary officers; and that the said Society shall have one common seal, and the same may break, change, and renew at pleasure; and that the same Society, by the name aforesaid, may sue and be sued, prosecute and defend suits to final judgment and execution.

General Pow-
ers.

SEC. 3. *Be it further enacted*, That the said Society shall have power to make orders and by-laws for the election and governing of its members, and for managing its property, not repugnant to the laws of this Commonwealth; and may expel, disfranchise, or suspend any member for a breach of the same.

By Laws.

SEC. 4. *Be it further enacted*, That the said Society shall be capable to take and hold real or personal estate, by gift, grant, devise or otherwise, and the same, or any part thereof, to alien and convey; *Provided*, that the annual income of any real estate, by said Society holden, exclusive of the building or buildings which may be actually occupied or used by said Society, for the scientific purpose aforesaid, shall not exceed the sum of two thousand dollars, and that the personal estate of said Society, exclusive of books, papers, and

May hold real
estate.

Limitation of
real estate.

articles in their museum, shall not exceed, in yearly value, the sum of three thousand dollars.

SEC. 5. *Be it further enacted*, That the persons herein before named, or any three of them, shall have power to call the first meeting of the members of said First Meeting. Society, in such manner as they may think proper.

[Approved by the Governor, June 17th, 1820.]

CHAP. XXIV.

An Act to annex the Estate of Henry Ware to the Town of Cambridge.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That so much of the real estate of Henry Ware, Professor of Divinity, in Harvard University, as lies within the limits of the Town of Charlestown, in the County of Middlesex, be set off from the said Town of Charlestown, and annexed to the Town of Cambridge. Lands set off.

[Approved by the Governor, June 17th, 1820.]

CHAP. XXV.

An Act to correct and improve the method of Inspecting Butter and Lard, in this Commonwealth.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, it shall be the duty of the Inspector General, and his Deputies, to return, forthwith, the butter or lard drawn out of any cask, firkin, or keg, with the searcher used for ascertaining its quality. Butter returned.

[Approved by the Governor, June 17th, 1820.]

CHAP. XXVI.

An Act relating to the Sixth Massachusetts Turnpike Corporation.

Road discontinued.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of September next, the proprietors of the Sixth Massachusetts Turnpike Corporation, shall have leave to discontinue all that part of the west end of their road which lies in the Towns of Pelham and Greenwich, in the County of Hampshire ; and they hereby are, from and after the first day of September next, forever discharged from repairing and maintaining the same.

Gate removed.

SEC. 2. *Be it further enacted*, That the said proprietors shall have leave to remove their lower gate in the Town of Holden, to any distance, not exceeding half a mile, westerly of the place where it now stands.

[Approved by the Governor, June 17th, 1820.]

CHAP. XXVII.

An Act to provide for an additional Term of the Court of Sessions in the County of Essex.

Terms of Court.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, there shall be three terms of the Court of Sessions, holden within and for the County of Essex, to wit: At Ipswich, on the second Tuesday of April ; at Salem, on the second Tuesday of July ; and at Newburyport, on the second Tuesday of October, any thing in the act establishing said Court of Sessions, to the contrary notwithstanding.

[Approved by the Governor, June 17th, 1820.]

CHAP. XXVIII.

An Act authorizing the taxing of Pews in the Meeting House of the Congregational Society, in the Town of Edgarton, in the County of Dukes' County.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the inhabitants of the Congregational Society, in the Town of Edgarton, in the County of Dukes' County, be, and they hereby are empowered to raise three fourth parts of any sum of money, which said inhabitants of said Congregational Society, may, at any legal meeting, called for that purpose, vote to raise, for the purpose of repairing said Congregational Meeting House in said town, by a tax on the pews on the lower floor in said house; the remaining fourth part of said repairs being assessed on the inhabitants of said Congregational Society.* Taxes to be raised.

SEC. 2. *Be it further enacted, That for the equitable apportionment of the taxes to be assessed on said pews, the inhabitants of said Society shall cause a valuation thereof to be made by a Committee, to be chosen by them for the purpose; and the report of that Committee, stating the value and number of said pews, shall, when accepted and recorded, be binding on all persons interested; and the sums voted to be raised on said pews, shall be apportioned and assessed thereon by the Assessors, for the time being, according to such valuation.* Apportionment of taxes.

SEC. 3. *Be it further enacted, That the Assessors of said Congregational Society shall make out a fair list of the taxes assessed on the pews, according to this act, and commit said list to the Treasurer of said Congregational Society, to collect and receive the same. And it shall be the duty of the Treasurer aforesaid, as soon as may be, after receiving said list, to give notice thereof, by posting up a copy of said list, at said meeting house door, stating the number of each pew, and the amount of the tax set against it, with a notification thereon written, for persons interested in said pews to*

pay the tax upon the same within thirty days from the date of said notification. And if the tax upon any pew, shall not be paid to the Treasurer aforesaid, within thirty days, according to his notification as aforesaid, it shall be the duty of the Treasurer, and he is hereby authorized to sell the pew on which such tax, or any part of it, shall remain unpaid, at public auction, to the highest bidder; and his deed of the same to the purchaser, recorded in the records of said Congregational Society, shall give to the purchaser a perfect right and title to said pew, and he shall afterwards be considered the legal owner thereof; *provided*, said Treasurer shall give ten days previous notice of the time and place of sale, by posting one advertisement on the door of said meeting house, and one other in some public place in said Town of Edgarton, stating the number of the pew to be sold, and the tax due thereon; *and, provided, also*, that the original owner of said pew, within one year from the sale of said pew, shall have liberty to redeem the same, by paying the tax assessed on the same, with the charges; which sum being paid, the purchaser shall reconvey the same to the original owner, in the same manner as mortgagees are compelled to reconvey land mortgaged, on payment of the redemption money.

SEC. 4. *Be it further enacted*, That the Treasurer aforesaid, shall have power to adjourn the sale, if he shall judge necessary, not exceeding four days from the first notification; and in all cases, he shall pay over, on demand, to the former owners of pews, the balance in his hands arising from said sales, after deducting the taxes due, and his reasonable charges for advertising and selling the same.

[Approved by the Governor, June 17th, 1820.]

CHAP. XXIX.

An Act in further addition to the several acts, establishing the Norfolk and Bristol Turnpike Corporation.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Norfolk and Bristol Turnpike Corporation be, and they are hereby authorized and empowered, to erect a gate, west of ^{Gates to be erected.} where the old road intersects said turnpike, near Mill Creek, and within seven rods of said intersection; and all persons travelling on the part of the said turnpike, between the house of Martin Gay, in said Dedham, and the place where said turnpike intersects the old road, as aforesaid, and choosing there to turn off the said turnpike, and travel the old road; also, all persons who may be travelling the old road, and shall choose to take the turnpike at the said intersection, and shall enter and travel thereon, shall, with their carriages, teams, sleys, horses, or cattle, be liable to pay, and said Corporation shall be entitled to demand and receive of them, one half as much toll as they would ^{Half Toll.} be entitled to receive at either of their gates, now erected between Dedham and Boston; but every person who shall have travelled up the turnpike, and passed the next gate below, or shall travel down the turnpike, and not choose to turn off, and travel the old road, shall be wholly exempt from paying toll at this ^{Exemptions.} gate.

SEC. 2. *Be it further enacted,* That the said Corporation be, and they are authorized and empowered, to erect another gate, west of where the Walk ^{New Gate.} Hill, or Canterbury road strikes said turnpike, on the northerly side thereof, and communicates with the old road, and within seven rods of said point; and all persons travelling on the part of said turnpike, between the house of Reed Taft, in Roxbury, and the point aforesaid, and choosing to turn off northerly, on said Walk Hill, or Canterbury road, and pass on to the

Half Toll.

Proviso.

Quarter Toll.

Exemptions.

old road ; also, all persons who may be travelling on the old road, and shall choose to turn on to said Walk Hill, or Canterbury road, and so enter on said turnpike, and travel thereon, shall, with their carriages, teams, sleys, horses or cattle, be liable to pay, and said Corporation shall be entitled to demand and receive of them, one half as much toll as they would be entitled to receive of them, at either of their said gates, between Boston and Dedham ; but every person who shall have travelled up the turnpike, and passed the next gate below, or who shall travel down the turnpike, and not choose to turn off at said Walk Hill, or Canterbury road, shall be wholly exempt from paying toll at this gate. *Provided, nevertheless,* that the proprietors of the said turnpike, shall not demand of any person who may enter upon said turnpike, at any road below Stony River Brook, in Roxbury, and pass down, or may come up the turnpike, and turn off at any of the roads below said brook, any more than one quarter toll, any law to the contrary notwithstanding. And no person, specially exempted from paying toll, by either of the acts to which this is in addition, shall be liable to pay toll by virtue of this act.

[Approved by the Governor, June 17th, 1820.]

CHAP. XXX.

An Act to authorize the sale of School Lands, in the Town of Hopkinton.

Trustees.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Thomas Bucklin, Nathan Phipps, Joseph Valentine, Moses Chamberlain, Sampson Bridges, Fisher Metcalf, and Elijah Fitch, be, and they are hereby appointed Trustees, to sell all the lands, formerly given by the Trustees of Hopkins' Donation, for the support of schools in said Town of

Hopkinton, in the County of Middlesex ; and the money arising from the sale of said lands, to be put out at interest, in manner hereinafter directed ; and the said Trustees are hereby created, and shall be known hereafter, in law, a body politic and corporate, by the name of the Trustees of the School Fund in the Town of Hopkinton ; and they, and their successors in office, shall have and use a common seal, and by the name aforesaid, may sue and be sued, in all actions, real, personal, and mixed, and prosecute and defend the same to final judgment and execution ; and shall exercise all other powers and privileges, usually given to, and exercised by corporations of a like nature. And the said Trustees, and their successors in office, shall annually elect, by ballot, a President, to preside at their meetings, and a Clerk to record the doings of the said Trustees, in a book or books, for that purpose to be provided and kept at the expense of the town ; and at the same meeting they shall also elect a Treasurer, to receive and apply the monies belonging to the said fund, to the amount, and in the time and manner, which the said Trustees may, from time to time, direct ; and all the said officers shall be sworn to the faithful performance of their several duties ; and the said Trustees shall also have power to appoint an agent, from time to time, as they shall judge necessary.

Trustees to have corporate powers.

May choose officers.

Officers to be sworn.

SEC. 2. *Be it further enacted*, That the number of Trustees shall never be less than five, nor more than seven, a major part of which Trustees, for the time being, may form a quorum for doing business ; and the inhabitants of said town of Hopkinton, at any legal meeting, notified for that purpose, shall fill up any vacancy, or vacancies, which may happen in said Board of Trustees, from among the freeholders of the said town ; and the said inhabitants, in legal town meeting, notified as aforesaid, shall also have power to remove, by voting and declaring vacant the place of a Trustee, or any other officer, who, by reason of age, infirmity, misconduct, or any other cause, may become unable or unfit to discharge their several duties, and supply the vacancy so happening, by a new choice ; and the said Trustees and Treasurer shall

Vacancies to be filled.

Officers may be removed.

annually make report of their doings, and the state of the funds.

SEC. 3. *Be it further enacted,* That the said Trustees, or a major part of them, be, and they are hereby authorized and empowered to sell and convey, in fee simple, all, or any part, of the said lands, and to make, execute and acknowledge a good and sufficient deed, or deeds, thereof; which deed, or deeds, subscribed by their President, and countersigned by their Clerk, by the direction and order of the said Trustees, or a major part of them, with the seal of said Corporation thereunto affixed, (approbation of the town for said sale being first had,) shall be good and valid in law, to pass and convey the fee simple of said lands, from said town, to the purchaser or purchasers thereof, to all intents and purposes, whatsoever. And all the monies, arising from the sale of the lands aforesaid, together with all subscriptions, donations, or bequests, shall be put to use as soon as may be, and secured by mortgage on real estate, to double the amount of property sold, or money loaned, or by one or more sureties, with the principal, or vested in public funded securities, or bank stock, at the discretion of said Trustees.

May sell lands.

Disposition of money.

SEC. 4. *Be it further enacted,* That the Treasurer of said Corporation shall give bond to the said Trustees, for the faithful performance of his trust, according to the true intent and meaning of this act, and shall be responsible for any neglect or misconduct in his office; and the said Trustees, and each of them, shall be responsible to the town for their personal negligence or misconduct, whether they be officers or not; and the loss or damage which may thereby happen to the said fund, shall be recovered by an action of debt, or on the case, at the suit of the town, in any Court, competent to try the same; and the sum so recovered, shall be replaced to the said fund, and the said Trustees, and all the other officers of said Corporation, may receive such compensation for their services, as the town may judge reasonable; but no part of such compensation shall ever be made out of the said fund, interest or profits thereof. And it shall never be in the power of the said town to alienate,

Treasurer to give bonds.

Responsibility of Trustees.

Compensation to officers.

change, or vary the appropriation of the said fund from its original design and use, towards the support of the public free schools in the said Town of Hopkinton.

SEC. 5. *Be it further enacted*, That any Justice of the Peace for the County of Middlesex, upon application made to him by three of the Trustees, is authorized to issue his warrant to one of the Trustees before named, requiring him to notify and warn the first meeting of said Trustees, at such convenient time and place as shall be appointed in said warrant, to organize the Corporation by the appointment of its officers. First Meeting.

SEC. 6. *Be it further enacted*, That said Trustees, at the first legal meeting thereof, under this act, and at any subsequent legal meeting, may make and establish such by-laws, rules and regulations, not repugnant to the constitution or laws of this Commonwealth, as shall be found expedient for the management of their concerns; and may appoint such officers, and assign them such duties, as the interest of the Trustees may require. By-Laws.

[Approved by the Governor, June 17th, 1820.]

CHAP. XXXI.

An Act to incorporate the Second Religious Society,
in Waltham.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Paul Moody, Abel B. Richardson, Jonathan C. Morrill, Asahel Adams, David Townsend, Uriah Hagar, Phineas Adams, Abijah Whitney, Thomas Budlong, Thomas Borden, George Brownell, Joshua Swan, Oliver S. Hawes, Albigen W. Fisher, Joseph Hoar, Daniel Farrar, William Cheetham, Alvis Garfield, Charles Garfield, Nathan McIntire, Junior, Samuel Gale, Nathaniel Stearns, Elisha Crehore, Thomas Blake, William Redding, Persons incor-
porated.

Aaron Brown, Isaac Bemis, Junior, Thomas Miller, Richard Willington, William Hobbs, George Cooper, Daniel Emerson, Ephraim Allen, Willard Adams, Joel Abbot, Eliphalet Hastings, Junior, William W. Walker, Jonathan Sanderson, Cyril French, Forrest Foster, Andrew Harris, Samuel Meriam, John Bates, John Dummer, Bethuel Fillebrown, Joseph McDodge, Robert Smith, John Pilsbury, Josiah Warren, together with their polls and estates, and together with such others as may associate with them, and their successors, be, and they hereby are incorporated and established as a Religious Society, by the name of the Second Religious Society, in Waltham, with all the powers and privileges, and subject to all the duties of other Religious Societies, according to the constitution and laws of this Commonwealth.

Name of Society.

Assessments.

Provisos.

SEC. 2. *Be it further enacted*, That all the taxes or assessments, to which the property and estate of the Boston Manufacturing Company are by law, liable for the support of public worship, in said Waltham, shall be laid and assessed by, and payable to the parish hereby incorporated, or its proper officers: *Provided, however*, that the said Boston Manufacturing Company shall have the right to pay over to the First Parish in said Waltham, such part of the taxes so assessed, as they may think fit; not, however, exceeding one half: *And, provided, also*, that this section of the present act, may be modified or changed, at the will of the Legislature.

Corporate powers.

SEC. 3. *Be it further enacted*, That the said Paul Moody, Jonathan C. Morrill, David Townsend, Abel B. Richardson, Asahel Adams, Eliphalet Hastings, Junior, Uriah Hagar, Thomas Budlong, Abijah Whitney, Robert Smith, Alvis Garfield, Thomas Miller, Isaac Bemis, Junior, William Hobbs, their associates, and successors, be, and they hereby are constituted and made a Corporation and body politic, by the name of the Proprietors of the Second Meeting House, in Waltham; and shall, by that name, sue and be sued, defend and be defended, in all actions in which said Corporation may be concerned; and may also ordain and establish such by-laws and regulations, and choose such officers, as to them shall seem necessary; *provid-*

ed, such by-laws and regulations shall be in nowise By-Laws.
contrary to the laws of this Commonwealth.

SEC. 4. *Be it further enacted*, That the said Proprietors of the second Meeting House, in Waltham, shall have full power to assess upon the individuals Power to levy Assessments. composing the same, in proportion to the number of shares in said meeting house, subscribed for by each, such sum or sums of money, as shall be sufficient to pay the debts now due from said Corporation, and all necessary future charges; and to collect said assessments in such way and manner, and by such officers or committee, as said proprietors may determine: And said proprietors shall have power, by such officers as they shall appoint for that purpose, to sell in such way as they shall determine, the pews in said meeting house, and execute deeds to the purchasers thereof.

SEC. 5. *Be it further enacted*, That the several meetings, heretofore held by the proprietors hereby incorporated, and all proceedings thereat, conformably to the original articles of their association, and necessary to carry the same into effect, be, and hereby are confirmed, and made valid in law; and the officers Confirmation of former proceedings. and agents heretofore chosen by said proprietors, shall continue officers and agents, until others shall be chosen in their stead.

SEC. 6. *Be it further enacted*, That any person in the said Town of Waltham, who may, at any time hereafter, actually become a member of, and unite in religious worship with said Second Religious Society, and give in his or her name, to the Clerk of the Parish, to which he or she, did heretofore belong, with a certificate, signed by the Minister, or Clerk of said Society, that he or she, hath actually become a member of, and united in religious worship with said Second Society, previous to the first of May, shall, from and after giving in such certificate, with his or her polls and estate, be considered as a member of said Society: *Provided, however*, that such person shall be Conditions of membership. held to pay his or her, proportion of all monies assessed in the parish to which he or she belonged, previous to that time. Proviso.

SEC. 7. *Be it further enacted*, That when any member of said Society, shall see cause to leave the

Terms of seces-
sion.

same, and unite in religious worship with any other Religious Society in the town or parish, in which he or she, may live, and shall give in his or her name, to the Clerk of said Society, with a certificate, signed by the Minister, or Clerk of the Parish, or other Religious Society, where he or she, may unite, that he or she, hath actually become a member of, and united in religious worship with such other parish, or religious society, previous to the first day of May, and shall pay his or her proportion of all monies voted in said Society, to be raised previous thereto, shall, from and after giving such certificate, with his or her poll and estate, be considered as a member of said Society to which he or she, may so unite.

Meeting for
choice of Offi-
cers.

SEC. 8. *Be it further enacted*, That any Justice of the Peace for the County of Middlesex, upon application therefor, is hereby authorized to issue a warrant, directed to a member of said Society, requiring him to notify and warn the members of the said Second Religious Society, in Waltham, to meet at such time and place as shall be expressed in said warrant, for the choice of such officers, as religious societies have a right to choose, at their annual meetings.

[Approved by the Governor, June 17th, 1820.]

CHAP. XXXII.

An Act to incorporate the Dimon Factory Company.
in Walpole.

Persons incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Hartshorn, Daniel Kingsbury, Noah Daper, Jonathan Messenger, Ebenezer Hartshorn, George Nicholas, Josiah Hill, Joseph B. Henshaw, Deming Jarvis, and Caleb Hartshorn, together with such others as may hereafter associate with them, their successors or assigns, be, and

they are hereby made a Corporation, by the name of the Dimon Manufacturing Company, for the purpose of manufacturing cotton yarn and cloth, in the Town of Walpole, in the County of Norfolk; and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements prescribed and contained in an act, passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of Manufacturing Corporations;" and also an act in addition thereto, passed the twenty fourth day of February, eighteen hundred and eighteen.

SEC. 2. *Be it further enacted*, That the said Dimon Factory Company may lawfully hold and possess such real and personal estate, as may be necessary and convenient for carrying on the said manufacture; *provided*, the value of such real estate shall not exceed twenty thousand dollars, and the value of such personal estate shall not exceed thirty thousand dollars.

[Approved by the Governor, June 17th, 1820.]

CHAP. XXXIII.

An Act to empower the North Parish in Wrentham, to sell a part of the Ministry Lot.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the North Parish in Wrentham, by their Agent, or Committee, duly appointed for the purpose, be, and hereby are empowered to sell and convey to the purchaser, all that part of a lot of land, lying north of the road in the said parish, leading from Franklin to Walpole, commonly called North Hill, containing about three acres, more or less, being part of the lot which was originally given by Ebenezer Ware, of said Wrentham, for the use and benefit of the said North Parish; and the proceeds of

said sale shall be applied to the support of the Ministry in the said North Parish, according to their discretion.

[Approved by the Governor, June 17th, 1820.]

CHAP. XXXIV.

An Act in addition to the several Acts, regulating the Inspection of Beef and Pork, intended to be exported from this Commonwealth.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after passing this act, all salted beef and pork, imported or brought into this State, from any other State, Territory, or place, shall be repacked and inspected agreeably to the Beef and Pork Inspection Laws of this Commonwealth, with the additional brand on the head of the barrel or cask, of the name of the State, Territory, or place, where it was originally packed, with the word "repacked."*

Additional
Brand.

SEC. 2. *Be it further enacted, That when pork is inspected agreeably to the laws of this Commonwealth, and the hind legs are taken out for bacon, or any other purpose, three shoulders may be put into each barrel of cargo pork, number one, and four shoulders in each barrel of cargo pork, number two, and no more; and cargo pork, number three, may consist of an equal proportion of heads, necks, legs and shoulders, of wholesome quality, any laws to the contrary notwithstanding.*

Pork assorted.

SEC. 3. *Be it further enacted, That to each and every barrel of pork, packed and inspected in this Commonwealth, shall be added three ounces of saltpetre, of good quality, and to every half barrel two ounces.*

Prescribed use
of Saltpetre.

SEC. 4. *Be it further enacted, That all the rules, certificates and regulations, for the inspection of beef*

and pork, fees, fines, and forfeitures, mentioned in the several inspection laws, to which this is in addition, Regulations, &c continued.
and the manner of recovering the same, shall extend to this act.

[Approved by the Governor, June 17th, 1820.]

CHAP. XXXV.

An Act to annex certain Land to the Town of West
Boylston, in the County of Worcester.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the tract of land, of about one hundred and forty acres, situated within the Town of Boylston, in the County of Worcester, adjoining the road leading from West Boylston to Boylston Meeting House, on which Jonas Temple, deceased, lately lived, be, and the same hereby is set off from Land set off.
the said Town of Boylston, and annexed to, and made a part of the said Town of West Boylston.

[Approved by the Governor, June 17th, 1820.]

CHAP. XXXVI.

An Act to Alter and Change the Names of the persons therein mentioned.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Asa Lawrence, the Names altered.
fourth, of Groton, shall be allowed to take the name of Asa Farnsworth Lawrence; Rachel Thayer Soper, of Cambridge, shall be allowed to take the name of

Mary Frances Soper, both of the County of Middlesex; Elisha Dogget Beckford, of Salem, a minor, son of Joshua Beckford, shall be allowed to take the name of John Beckford; Ephraim Bailey Horne, of Haverhill, combmaker, shall be allowed to take the name of Ephraim Bailey Orne; William Newhall, of Lynn, ward of Doctor John Lummers, shall be allowed to take the name of Hewson Parish; John Morse, Junior, of Amesbury, shall be allowed to take the name of John S. Morse; Polly Osgood, of Salem, widow, shall be allowed to take the name of Mary Osgood; Stephen Phillips, Junior, of Salem, merchant, shall be allowed to take the name of Stephen Claredon Phillips, all of the County of Essex; that John Moulton, of Boston, shall be allowed to take the name of John Roberts; Charles Wells, of Boston, bookbinder, shall be allowed to take the name of Charles Allen Wells; Charles Lowell Clapp, son of William W. Clapp, shall be allowed to take the name of Charles William Clapp; Masa Willis, of Boston, shall be allowed to take name of Horatio M. Willis;

Names altered.

John Henry Parker, a minor, of Boston, son of the Honorable Isaac Parker, shall be allowed to take the name of John Brooks Parker; Joseph Queen, of Boston, trader, shall be allowed to take the name of Joseph French Edwards; John Wheelwright, of Boston, merchant, shall be allowed to take the name of John Tower Wheelwright; Henry Felt, of Boston, shall be allowed to take the name of Henry Felt Baker; Samuel Whitwell, of Boston, son of Benjamin Whitwell, shall be allowed to take the name of Samuel Sprague Whitwell, all in the County of Suffolk; Jonathan Ferry, Junior, of Brimfield, in the County of Hampden, shall be allowed to take the name of Jonathan Saunders Ferry; John Shaw shall be allowed to take the name of John Forsyth Shaw; Prince Shaw shall be allowed to take the name of Edward Shaw, both of New Marlborough, in the County of Berkshire; Joseph Adams, Junior, student in Harvard University, son of Joseph Adams, of Roxbury, shall be allowed to take the name of Joseph Thornton Adams; Rebecca Miller Thayer, of Braintree, daughter of the late Atherton Thayer, Esquire, shall be al-

lowed to take the name of Rebecca Atherton Thayer, both in the County of Norfolk; Theodore Mayhew, student at law, of Chilmark, in the County of Dukes' County, shall be allowed to take the name of Theodore Gardner Mayhew; Giles Hosier, of Nantucket, in the County of Nantucket, trader, shall be allowed to take the name of William Giles Hosier; Samuel Fosket shall be allowed to take the name of Samuel Bradley; Robert M. Fosket shall be allowed to take the name of Robert M. Bradley; John Fosket shall be allowed to take the name of John Bradley; Hugh Fosket shall be allowed to take the name of Hugh Bradley; that the minor children of Samuel Fosket, aforesaid, viz: Bethuel Fosket shall be allowed to take the name of Bethuel Bradley; Josiah Fosket shall be allowed to take the name of Josiah Bradley; David Fosket shall be allowed to take the name of David Bradley; Samuel Fosket, Junior, shall be allowed to take the name of Samuel Bradley; Abigail Fosket shall be allowed to take the name of Abigail Bradley; James Fosket shall be allowed to take the name of James Bradley; Jane Fosket shall be allowed to take the name of Jane Bradley; Alonzo Fosket shall be allowed to take the name of Alonzo Bradley; and William Fosket shall be allowed to take the name of William Bradley, all of Colraine, in the County of Franklin; and the several persons before mentioned, from and after the passing of this act, shall be known and called by the names, which, by this act, they are respectively allowed to take and assume as aforesaid, and said names shall forever, hereafter, be considered as their only proper and legal names, to all intents and purposes.

Names altered.

[Approved by the Governor, June 17th, 1820.]

COMMONWEALTH OF MASSACHUSETTS.

BY THIS I CERTIFY, That the Laws printed in this pamphlet, passed at the Session, beginning May 31st, and ending June 17th, 1820, have been compared with the originals in this office, and appear to be correct.

ALDEN BRADFORD,

Secretary of the Commonwealth.

LAWS

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, THE TENTH OF
JANUARY, AND ENDED ON THURSDAY, THE FIFTEENTH OF FEBRUARY,
ONE THOUSAND EIGHT HUNDRED AND TWENTY ONE.

CHAP. XXXVII.

An Act to incorporate the First Baptist Society, in
Marblehead.

SEC. 1. **BE** *it enacted by the Senate and House of
Representatives, in General Court assembled, and by
the authority of the same, That Isaac Story, John* Persons incorpo-
rated. *Fielding, Isaac Kimball, Benjamin Girdler, William
Collyer, Joseph Graves, Samuel H. Russell, George
Roberts, Jonathan Brown, Samuel Brown, Richard
Girdler, Lewis R. Powers, John Wooldridge, Alex-
ander Malcom, Thomas Roundy, Richard L. Wood-
fine, and Ambrose Brown, their associates, successors,
and assigns, be, and they are hereby incorporated as
a religious society, by the name of the First Baptist
Society in Marblehead, with all the powers and priv-*

ileges, and subject to all the duties and liabilities of other religious societies, according to the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That any Justice of the Peace for the County of Essex, is hereby empowered, upon application therefor, to issue a warrant, directed to any freeholder and member of said First Baptist Society, requiring him to notify and warn the members thereof, to meet at such convenient time and place, as shall be appointed in said warrant, to organize the said society, by the appointment of its officers.

First Meeting.

[Approved by the Governor, January 24th, 1821.]

CHAP. XXXVIII.

An Act to regulate the Passage Way for Fish, through the Dam near the mouth of Concord River, in the County of Middlesex.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That so long as there shall be kept and upheld a dam across Concord River, between the Towns of Chelmsford and Tewksbury, in the County of Middlesex, where the dam of Thomas Hurd's factory now is situated, it shall be the duty of the owner, occupant, or person upholding said dam, to cause to be made a sluice or passage way, for fish to pass freely up and down the river, through said dam; and the same shall be constructed with a permanent mud sill, to be placed at the bottom of the natural channel of said river, and to extend from the shore of the island in said river, not less than fifteen feet, towards the factory, in the direction of the present dam, with permanent abutments, and a cross timber at the top, not less than thirty inches above the mud sill; and the whole of said passage way shall be kept open from the first day of April to the twentieth day of May, in each year, except only, that when, by

Passage Way.

reason of the falling of the water in said river, there shall not be more than twelve inches of water above said mud sill, the said passage way may, with the advice and consent of the Fish Wardens of the Towns of Chelmsford and Tewksbury, given in writing, be diminished in proportion to the depth of the water; *provided, however,* that it shall never be reduced to a less breadth than five feet, from the abutment, on the west side.

SEC. 2. *Be it further enacted,* That so long as the owner, occupant, or person upholding said dam, shall cause to be made and kept, a sluice or passage way, for fish, through the said dam, of the dimensions and constructions aforesaid, according to the true intent and meaning of this act, he shall not be liable to any penalty or prosecution by force of any act relative to the obstruction of the passage of fish, up and down said river. Penalty.

SEC. 3. *Be it further enacted,* That no person shall be permitted to obstruct the free passage of fish, during the aforesaid months of April and May, by taking them in any manner, at the said passage way. Taking Fish.

SEC. 4. *Be it further enacted,* That this act shall continue in force for the term of ten years, and no longer.

[Approved by the Governor, January 24th, 1821.]

CHAP. XXXIX.

An Act to incorporate the First Baptist Society, in Sheffield.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Butler Ives, Silas Smith, Calvin Bryant, Lemuel Sparks, with their associates and successors, be, and they hereby are incorporated, for religious purposes only, into a society, Persons incorporated.

Powers and privileges.

by the name of the First Baptist Society, in Sheffield, with all the powers, privileges and immunities, to which other religious societies are entitled by the constitution and laws of this Commonwealth: And said corporation is hereby authorized and empowered to take, purchase and hold, all real and personal estate, necessary and convenient for the purposes aforesaid: *Provided*, that the income of the whole estate of the said corporation, exclusive of the meeting house, and land under the same, shall not exceed two thousand dollars.

Proviso.

Money to be raised.

SEC. 2. *Be it further enacted*, That said society be, and the same is hereby authorized, at a meeting held for the purpose, to raise such sums of money as it may think needful for the support of public worship, building and repairing meeting houses, and other purposes, incident to the authority given by this act, by an equal assessment upon all the pews and seats in any meeting house which may hereafter belong to it. And if any proprietor of any pew or seat, shall neglect or refuse to pay any assessment which may be made upon his pew or seat, within one year from the time he shall be notified thereof, the Treasurer of said society may sell at public auction, all the right and interest said delinquent proprietor may have in any seat or pew, after giving public notice of the time and place of sale, at least fourteen days previous thereto, by notifications in writing, posted at all the doors of the meeting house of said society; and after deducting the amount of the assessment, with legal interest thereon, from the time it became due, and all costs and charges, the said Treasurer shall pay the balance, if any, over to said delinquent proprietor: And said Treasurer is hereby authorized and empowered, upon the sale aforesaid, to execute and deliver a deed of conveyance to the purchaser thereof, which shall be valid in law.

Delinquent's Pews to be sold.

By-laws.

SEC. 3. *Be it further enacted*, That said society may make and establish such regulations, rules, and by-laws for its government, and the management of its concerns, as may be thought fit; *provided*, the same be not repugnant to the laws of this Commonwealth.

SEC. 4. *Be it further enacted*, That any Justice of

the Peace for the County of Berkshire, be, and he is hereby authorized to issue his warrant to some member of said society, requiring him to warn the members thereof, to meet at such convenient time and place as First Meeting. shall be therein directed, to choose a Moderator, Clerk, and Treasurer, and such other officers as they may think needful; and the Moderator so chosen, and the Moderators chosen at all future meetings, shall have authority to administer the oath of office to the Clerk, and all other officers, of whom an oath is required by law.

[Approved by the Governor, January 26th, 1821.]

CHAP. XL.

An Act to incorporate the German Charitable Society.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Charles F. Kupfer, Persons incorpo- John G. Plombœck, John Federhen, William Henss, rated. Casper Grenier, and their associates, be, and they are hereby erected into a body politic and corporate, by the name of the German Charitable Society, for the relief of indigent and distressed Germans, their widows and children; and by that name shall have perpetual succession, with power to have a common seal, and to make contracts relative to the objects of the society; to sue and be sued, and to make by-laws and orders for the regulation of said society, and for the Rules and regu- preservation and application of the property thereof; lations. *provided*, that the same be not repugnant to the constitution and laws of this Commonwealth; and to take, hold and possess any estate, real or personal, by gift, grant, purchase, devise, or otherwise; and the same to sell, alienate and exchange, for the sole benefit of said corporation; *provided*, that the value of the real estate May hold real es- shall not exceed twenty thousand dollars, and the annual income of the whole corporate property shall not tate. exceed five thousand dollars.

SEC. 2. *Be it further enacted*, That said corporation shall have power to appoint such officers as shall be deemed necessary, for the government thereof, and due management of its affairs.

First Meeting. SEC. 3. *Be it further enacted*, That the first meeting of said corporation, may be called by said Charles F. Kupfer, by advertisement in any newspaper printed in the Town of Boston, ten days prior to the time of meeting, designated in such advertisement.

[Approved by the Governor, January 26th, 1821.]

CHAP. XLI.

An Act to Alter the Time of Holding the Court of Sessions, in and for the County of Dukes' County.

Time of holding Court. SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Court of Sessions, by law appointed to be held at Edgarton, within and for the County of Dukes' County, on the first Wednesday of November, annually, shall, in future, be holden at the same place, on Wednesday next after the second Monday of November, annually, any law to the contrary notwithstanding.

SEC. 2. *Be it further enacted*, That all petitions, processes, matters and things, cognizable by said court, be made returnable, entered, and proceeded upon, at said court, to be holden on said Wednesday next after the second Monday of November, annually.

[Approved by the Governor, February 3d, 1821.]

CHAP. XLII.

An Act to incorporate the Massachusetts Baptist Charitable Society, for the Relief of the Widows and Children of Deceased Baptist Ministers.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Thomas Baldwin, Joseph Grafton, Lucius Bolles, Nathaniel W. Williams, Daniel Sharp, Bela Jacobs, Levi Farwell, Thomas Badger, Josiah C. Rainsford, William Brown, Jonathan Carleton, Ward Jackson, Thomas Kendall, Herman Lincoln, Ensign Lincoln, and such others as shall associate with them, for the purposes hereafter mentioned, be, and they hereby are incorporated into a body politic, by the name of the Massachusetts Baptist Charitable Society, for the relief of widows and children of deceased Baptist Ministers; and that they and their successors shall be and continue a body politic and corporate, by that name forever; and shall have power to have a common seal, subject to be altered at their pleasure; and may sue and be sued, in all actions, real, personal, and mixed, and prosecute and defend the same to final judgment and execution, by the name aforesaid.

Persons incorp'd: rated.

General powers.

SEC. 2. *Be it further enacted*, That the said society be, and hereby are authorized to receive any grants or devises of lands or tenements, in fee simple, or less estate, and all subscriptions, donations, legacies, and bequests in money, or other personal estate, to them made, for the above objects; and to put all such monies as shall come into their hands, at interest, and apply the interest, from time to time, for the relief of the widows and children of deceased Baptist Ministers, within this Commonwealth, according to their best judgment, unless particularly designated by the donor, or donors.

Grants, &c.

SEC. 3. *Be it further enacted*, That the said society may make sale of any real estate to them bequeathed, unless otherwise ordered by the donor, and convey

May sell lands.

Proviso.

the same by deed, duly executed by the Treasurer, under the seal of the society: *Provided*, that all monies arising from such sale, be applied to the same use to which the income thereof was before applicable: *Provided, however*, that the funds of said society shall never exceed the sum of twenty thousand dollars.

Annual Meeting.

By-Laws.

SEC. 4. *Be it further enacted*, That the said society shall hold an annual meeting, at such time and place as they may think proper; of which, public notice shall be given in two public papers. The society thus convened, shall have power to choose a President, a Secretary, a Treasurer, and Trustees, and any other officers which they may deem expedient; and make and establish such rules and by-laws for the orderly conducting and executing the business of the society, as to them shall appear necessary; *provided*, the same be not repugnant to the constitution or laws of this Commonwealth.

First Meeting.

SEC. 5. *Be it further enacted*, That Thomas Baldwin is hereby authorized, by public notice in two papers, to call the first meeting of said society.

[Approved by the Governor, February 3d, 1821.]

CHAP. XLIII.

An Act to incorporate the Dickinson Library Company.

General powers.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the proprietors of the Third Social Library, in the Town of Granville, in the County of Hampden, be, and they hereby are incorporated into a body politic, by the name of the Dickinson Library Company, with power to make all rules and regulations, for the maintenance and government thereof, not inconsistent with the laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That the said Dickinson Library Company be, and they hereby are au-

thorized and empowered to make and use a common seal, and they are hereby empowered, and rendered liable to sue and be sued, prosecute and defend in their corporate capacity, in all courts of law.

SEC. 3. *Be it further enacted*, That the said Dickinson Library Company, be authorized to receive subscriptions, grants, and donations of real and personal estate, not exceeding six thousand dollars; *pro-* Donations, &c.
vided, said company shall not, for more than one year, be in possession, in their own right, of real estate of the value of more than one thousand dollars; and that no part of the personal estate of said company shall be expended for any other purpose than the pur- Limitation of ex-
 chase of books, or objects necessarily connected with penditures.
 the institution.

SEC. 4. *Be it further enacted*, That the proceedings of the proprietors of said Third Social Library, in Granville, in the election of officers, and the transaction of other business, at a meeting held by them on the fifth day of January instant, be, and the same hereby are ratified, confirmed, and rendered valid, in as good Confirmation.
 and sufficient a manner, as if the same had been done and transacted on the third day of January instant; *provided*, that no rights at law shall be affected by any Proviso.
 thing in this act contained.

[Approved by the Governor, February 3d, 1821.]

CHAP. XLIV.

An Act to incorporate the Proprietors of the Second Congregational Meeting House, in Chelmsford.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Cyrus Baldwin, Amos Whitney, Joseph Fletcher, Moses Hale, Jesse Smith, William Adams, Nathaniel Howard, and others, who Persons incorpo-
 have associated, or may hereafter associate with them, rated.
 for the purpose of building a meeting house, their suc-

cessors and assigns be, and they hereby are incorporated and made a body politic, by the name of the Proprietors of the Second Congregational Meeting House, in Chelmsford; and by that name may sue and be sued, and may have and use a common seal, and may ordain and establish such by-laws and regulations, as to them may seem necessary and convenient for the government of said corporation; *provided*, such by-laws and regulations be not repugnant to the constitution and laws of this Commonwealth.

General powers.

SEC. 2. *Be it further enacted*, That the said corporation may purchase and hold real and personal estate, the annual income of which, exclusive of the meeting house, and land under the same, shall not exceed one thousand dollars; and shall divide their estate into shares, the number of which, shall not be less than one hundred, nor more than two hundred, and may make and impose all necessary assessments on such shares; *provided*, that the amount of all such assessments, shall never exceed the sum of thirty dollars on each share.

May hold real estate.

SEC. 3. *Be it further enacted*, That whenever any proprietor shall neglect or refuse to pay any assessment, legally made upon his share or shares, to the Treasurer of said corporation, within one year, after the same shall be made payable, the said Treasurer, being thereto directed by the Trustees, hereinafter directed to be chosen, may sell at public vendue, the share or shares of such delinquent proprietor, after posting notice of the time, place, and cause of such sale, at two or more public places in Chelmsford, and also on said meeting house door, whenever such house shall have been erected, at least thirty days previous to such sale; and upon such sale, to execute deed or deeds thereof, to the purchaser or purchasers; and after deducting the amount of such delinquent's assessment, together with legal interest thereon, from the time the same was payable, and all necessary incidental charges, the said Treasurer shall pay the surplus, if any there be, to such delinquent proprietor; or the said Treasurer may, by direction of the said Trustees, sue and prosecute to final judgment and execution, any such delinquent proprietor, for any tax or

Assessments.

Delinquent's shares to be sold.

assessment due and payable on any share or shares of such delinquent proprietor.

SEC. 4. *Be it further enacted*, That there shall be an annual meeting of said proprietors, after the present Annual Meeting. year, on the first Monday in February, at which, they shall elect, by ballot, a President, Clerk, Treasurer, Collector, and five Trustees, of whom the President shall be one; and the Treasurer and Clerk shall be sworn to the faithful discharge of their respective trusts: and at such meeting, each proprietor, or his agent, duly authorized in writing, shall be entitled to one vote for each share by him held and owned.

SEC. 5. *Be it further enacted*, That it shall be the duty of the Clerk of said corporation, to keep a record Duty of Clerk. of all the proceedings of said corporation, and of all shares and transfers of shares therein, and to grant certificates thereof to the proprietors; and the shares may be transferred under the hand and seal of the proprietors, on the back of such certificate.

SEC. 6. *Be it further enacted*, That Cyrus Baldwin be, and he hereby is authorized to issue his warrant to some one of the said proprietors, for the purpose of calling the first meeting, to elect officers and First Meeting. organize said corporation, at such convenient time and place as he shall direct; at which meeting, the said proprietors may agree upon the manner of calling and notifying future meetings.

[Approved by the Governor, February 3d, 1821.]

CHAP. XLV.

An Act concerning Hawkers, Pedlars, and Petty Chapmen.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That every hawker, pedlar, petty chapman, or other person, going from town to town, or from place to place within the same town, on

foot, or with a horse, or horses, or otherwise carrying to sell, or exposing for sale, any goods, wares, or merchandize, within this Commonwealth, shall, on conviction thereof, forfeit and pay a sum not less than ten dollars, nor more than one hundred dollars for each and every offence aforesaid: *Provided, however,* that nothing herein shall prohibit any person from carrying abroad, and selling or exposing for sale, any fruits or provisions, or any goods, wares, or merchandize of the produce or manufacture of the United States, except indigo, feathers, books, tracts, prints, maps, playing cards, lottery tickets, jewelry, and essences.

Penalty.

Proviso.

Prosecution.

SEC. 2. *Be it further enacted,* That any Justice of the Peace, on complaint made to him of any such offence, may issue his warrant against the person complained against, and order him to recognize with sufficient surety or sureties, to answer the complaint before any court within the same county, having jurisdiction of criminal affairs: And the said offence may be prosecuted by indictment, before any court as aforesaid.

Distribution of penalties.

SEC. 3. *Be it further enacted,* That the penalties aforesaid, shall be one half to the use of the informer, and the other half to the use of the Commonwealth.

Act repealed.

SEC. 4. *Be it further enacted,* That the act against hawkers, pedlars, and petty chapmen, passed the ninth day of June, in the year of our Lord one thousand seven hundred and eighty five, be, and the same is hereby repealed.

SEC. 5. *Be it further enacted,* That this act shall be in force from and after the first day of June next.

[Approved by the Governor, February 9th, 1821.]

CHAP. XLVI.

An Act to incorporate the Methodist Episcopal Society, in Otis.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Kibbe, David Kibbe, Chuza Bushnell, John Davison, Junior, John Johnson, Abner Loveland, Joshua Finch, Joseph A. Root, Julius Beach, Roger Mather, Eliakim Smith, David Morley, Nathan Blair, John M. Clement, John Meranders, Isaac Kibbe, Reuben Daniels, Jonathan Clark, Junior, James Clark, Junior, Joseph Clark, Junior, John Babb, Samuel Kibbe, Samuel Williams, Joseph Clark, Lorin Flint, Joseph Hunt, 2d, Isaac Church, Ambrose Cowdery, Jonah Hunt, William Lattimer, Jarvase Haskeill, Jonah Norton, 3d, Avery Tracy, Joseph Root, Stephen Rowley, Henry Tracy, Daniel Hill, Eli Black, Silas Herinton, Orin Sinnet, Loring Gibbs, Geffry Watson, David Watson, Elijah Gibbs, Joseph Hunt, Curtis Hunt, Abner Blair, Elijah P. Perkins, Samuel Clark, Thomas Petton, Jonathan Petton, Jonathan Shepherd, 2d, Elijah Lyon, Phineas King, Philip Haskeil, and William Chapel, together with such other inhabitants of the Town of Otis or Blanford, as may wish to join said society and become members thereof, together with their polls and estates, be, and they are hereby incorporated into a society, by the name of the Methodist Episcopal So-<sup>Persons incorpo-
rated.</sup>ciety, in Otis. ^{Title.}

SEC. 2. *Be it further enacted,* That the members of said society, being duly warned therefor, by any Justice of the Peace living in the County of Berkshire, upon application made to him for that purpose, by a member of the society, is hereby empowered to issue his warrant to the person applying for the same, requiring him to warn a meeting thereof, at the meeting house of said society, by posting up a copy of the war-^{Meeting.}rant at said meeting house, at least fourteen days before the time of meeting; which warrant shall express the

purpose of said meeting; at which time, the manner of calling future meetings shall be determined.

SEC. 3. *Be it further enacted*, That at said meeting, the members of said society shall have power to
General powers. make and establish all such rules and regulations, and appoint such officers for said society, as may be necessary to carry the same into effect; also to grant such sums of money, and order assessments thereof, or to raise money by taxing the pews of the meeting house, or by renting them out, as may be necessary and expedient for the support of public worship, and other incidental charges.

[Approved by the Governor, February 9th, 1821.]

CHAP. XLVII.

An Act further regulating the Storage, Safe Keeping, and Transportation of Gunpowder, in the Town of Boston.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That no person, except on military duty in the public service of the United States, or of this Commonwealth, shall keep, have or possess, in any house, warehouse, shop, or other building, nor in any street, lane, alley, passage way, yard or cellar, nor in any waggon, cart or other carriage, nor on any wharf, nor on board of any ship or other vessel, within two hundred yards of any wharf, or of any part of the shore or the main land, nor in any place within the Town of Boston, gunpowder in any quantity exceeding five pounds, in any way or manner, other than by this act, and by the rules and regulations hereinafter mentioned, may be permitted and allowed. And all gunpowder had, kept or possessed, contrary to the provisions of this act, and of such rules and regulations, shall
Liability to seizure. be forfeited, and liable to be seized and proceeded against in the manner hereinafter provided.

SEC. 2. *Be it further enacted*, That it shall not be lawful for any person or persons to sell any gunpowder, which may at the time be within the Town of Boston, in any quantity, by wholesale or retail, without first having obtained from the Firewards of said town, a license to sell gunpowder; and every such license Licenses. shall be written or printed, and duly signed by said Firewards, or by their Secretary, authorized for that purpose, on a paper, upon which shall be written or printed, a copy of the rules and regulations by them established relative to keeping, selling, and transporting gunpowder within the said town; and every such license shall be in force for one year from the date thereof, unless annulled by the Firewards, and no longer; but such license may, prior to the expiration of that term, be renewed by endorsement thereon by the said Firewards, or by their Secretary, for a further term of one year; and so from year to year; *provided*, *always*, that the said Firewards may annul and rescind any such license, if, in their opinion, the person or persons licensed, have forfeited the right of using the same, by disobeying the law, or infringing any rules or regulations established by said Firewards. And every person who shall receive a license to sell gunpowder as aforesaid, shall pay for the same the sum of five dollars; and every person, on having a license renewed, shall pay therefor the sum of one dollar, Fees for licenses. which sums shall be paid to the Secretary of the Firewards, for their use, for the purpose of defraying the expenses of carrying this act into execution.

SEC. 3. *Be it further enacted*, That the Firewards of the Town of Boston be, and they are hereby authorized and empowered to make and establish rules and regulations, from time to time, relative to the times and places at which gunpowder may be brought to, or carried from said town, by land or by water, the times when, and manner in which the same may be transported through said town; to direct and regulate the kind of carriages, boats and other vehicles, in which the same may be so brought to, carried from and transported through said town; to direct the manner in which gunpowder may be kept by licensed dealers Manner of keeping powder. and other persons; and to direct and require all such

precautions as may appear to them needful and salutary, to guard against danger in the keeping of gunpowder, and in the transportation thereof to, from and through the Town of Boston.

SEC. 4. *Be it further enacted*, That any person or persons who shall keep, have, or possess any gunpowder within the Town of Boston, contrary to the provisions of this act, and to the rules and regulations made as aforesaid, or who shall sell any gunpowder therein, without having a license therefor, then in force or contrary to the conditions of the said license, or the rules and regulations made as aforesaid, shall forfeit and pay a fine of not less than one hundred dollars, and not exceeding five hundred dollars, for each and every offence; and if any gunpowder, kept contrary to the provisions of this act, shall explode in any shop, store, dwelling house, ware house, or other building, or in any place in said town, the occupant, tenant or owner of which has not then a license in force to keep and sell gunpowder therein, or which gunpowder shall have been kept, in any manner contrary to the terms and conditions of such license, or to the rules and regulations established as aforesaid, such occupant, tenant or owner, shall forfeit and pay a fine of not less than five hundred dollars, and not exceeding one thousand dollars; one moiety of the sums which may be so forfeited, shall accrue to the use of the poor of the Town of Boston, and the other moiety to the use of any person or persons who shall prosecute and sue for the same; which forfeitures may be recovered by action of the case, in any court proper to try the same.

SEC. 5. *Be it further enacted*, That all gunpowder, which shall be kept, had or possessed, within the Town of Boston, or brought into, or transported through the same, contrary to the provisions of this act, and to the rules and regulations made as aforesaid, may be seized and taken into custody by any one or more of the Firewards of said town, and the same shall, within twenty days next after the seizure thereof, be libelled, by filing in the office of the Clerk of the Municipal Court of the Town of Boston, a libel, stating the time, place and cause of such seizure; a copy of which libel, or the substance thereof, together with a summons or

Penalties.

Seizures.

notice, which such Clerk is hereby authorized to issue, shall be served on the person or persons, from whose custody or possession, or in whose tenement such gunpowder shall have been seized, if such person be an inhabitant of this Commonwealth, by delivering a copy thereof to such person or persons, or leaving such copy at his, her, or their usual place of abode, fourteen days at least, before the sitting of the court, at which the same is to be heard; that such person or persons may appear and shew cause why the gunpowder so seized and taken, should not be adjudged forfeit. And if the gunpowder so seized shall be adjudged forfeit, the person or persons, in whose custody or possession the same was seized, or the occupant or tenant of the place wherein the same was so seized, shall pay all costs of prosecution, and execution shall be issued therefor; *provided*, it appear to the court, that such person or persons had notice of such prosecution by service as aforesaid; and in case the person or persons in whose custody or possession, or in whose tenement such gunpowder may be seized, shall be unknown to the Fireward or Firewards making such seizure, or in case such gunpowder, at the time of seizure, may not be in the custody or possession of any person, or if it shall appear by the return of the officer, that such person cannot be found, or has no place of abode in this Commonwealth, then the said court shall, and may proceed to adjudication thereon. And such libel or summons, and also such writ of execution for costs, shall, and may be served and executed in any county in this Commonwealth, and by any officer competent to execute civil process in like cases. Trial of offences.

SEC. 6. *Be it further enacted*, That any person or persons, who shall rescue or attempt to rescue any gunpowder seized as aforesaid, or who shall aid or assist therein, or who shall counsel or advise, or procure the same to be done, or who shall molest, hinder, or obstruct any Fireward in such seizure, or in carrying gunpowder so seized to a place of safety, shall forfeit Proviso. and pay a fine for each offence, of not less than one hundred dollars, and not exceeding five hundred dollars; to be sued for and recovered by action of the case, by any person or persons who shall sue for the Fines.

same, in any Court proper to try the same ; and it is hereby made the duty of all magistrates, civil officers, and of all good citizens of said town, in their respective stations, and as far as they may be required, to aid and assist such Fireward or Firewards in executing the duties hereby required.

Removal of powder.

SEC. 7. *Be it further enacted*, That the said Firewards, or any of them, may enter the store or place of any person or persons, licensed to sell gunpowder, to examine and ascertain whether the laws, rules and regulations relating thereto, are strictly observed, and also whenever there shall be an alarm of fire ; and in such last case may cause the powder there deposited to be removed to a place of safety, or to be destroyed by wetting or otherwise, as the exigency of the case may require ; and it shall be lawful for any one or more of the Firewards of said town, to enter any dwelling house, store, building, or other place, in the Town of Boston, to search for gunpowder, which they may have reason to suspect to be concealed or unlawfully kept therein, first having obtained from some Justice of the Peace for the County of Suffolk, a search warrant therefor, which warrant the Justices of the Peace for said county are hereby respectively authorized to issue upon the complaint of such Fireward or Firewards, supported by his or their oath.

Redress for injuries.

SEC. 8. *Be it further enacted*, That any person who shall suffer injury by the explosion of any gunpowder, had, kept or transported, within the Town of Boston, contrary to the provisions of this act, and of the rules and regulations established as aforesaid, may have an action of the case in any court proper to try the same, against the owner or owners of such gunpowder, or against any other person or persons who may have had the possession or custody of such gunpowder, at the time of the explosion thereof, to recover reasonable damages for the injury thus sustained.

SEC. 9. *Be it further enacted*, That it shall be the duty of the Firewards of the Town of Boston, to cause all such rules and regulations, as they may make and establish by virtue of the authority given by this act, to be published in two or more newspapers printed in the Town of Boston, and to cause such publication to

be continued three weeks successively, for the information and government of all persons concerned.

SEC. 10. *Be it further enacted*, That all fines, penalties and forfeitures which may arise and accrue under the provisions of this act, shall, and may be prosecuted for, and recovered, either in the manner herein before Recovery of fines specially provided, or by indictment, complaint or information, in any court proper to try the same. And this act shall be taken and deemed to be a public act, of which, all courts, magistrates and citizens are bound to take notice as such; and in any libel, action, indictment, information or complaint upon this act, it shall not be necessary to set forth any more of the same, than so much thereof as relates to, and may be necessary truly and substantially to describe the offence alleged to have been committed.

SEC. 11. *Be it further enacted*, That all fines, penalties and forfeitures which shall be recovered by force of this act, and which are not otherwise appropriated, shall accrue and enure, one half to the poor of the Town of Boston, to be paid over to the Overseers of the Poor Distribution of fines. thereof, and one half to the Firewards of said town; *provided, however*, that whenever on the trial of any prosecution, under this act, any one or more of the said Firewards shall be sworn and examined as a witness or as witnesses therein, record shall be made in court; and in that case, the whole of such fine, penalty and forfeiture, shall accrue and enure to the poor of the Town of Boston, and be paid over as aforesaid.

SEC. 12. *Be it further enacted*, That this act shall take effect and be in force from and after the passing thereof, and that all acts and parts of acts heretofore passed, which come within the purview of this act, and which are inconsistent with, or repugnant to the provisions of this act, be, and the same are hereby repealed; *provided, however*, that the same shall continue in force for the purpose of prosecuting all offences which Repeal of former law. may have been committed prior to the passing of this act, in the same manner, to all intents and purposes, as if the same had not been repealed: *And provided*, Proviso. *further*, that all rules and regulations made and established by the Firewards of Boston, under and by virtue of the provisions of such former acts, shall continue to

have the same force and effect, until altered or annulled by said Firewards, as if this act had not been passed.

[Approved by the Governor, February 9th, 1821.]

CHAP. XLVIII.

An Act relative to Fishery in the Towns of Charlestown and Medford.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That an act passed on the tenth day of February, in the year of our Lord one thousand eight hundred and sixteen, entitled "an act to authorize the Towns of Charlestown and Medford to sell the privilege of taking shad and alewives in the waters situate between those towns," be, and the same is hereby repealed.

Former act repealed.

[Approved by the Governor, February 12th, 1821.]

CHAP. XLIX.

An Act in addition to an Act for the Encouragement of Agriculture and Manufactures.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the several Agricultural Societies incorporated, and which hereafter may be incorporated within this Commonwealth, shall be, and hereby are authorized and empowered by their Trustees, or other officers, by them designated for the purpose, to define and fix bounds and limits of sufficient extent for the erection of their cattle pens and

Trustees to fix bounds.

yards, and for convenient passage ways to and about the same, on the days of their annual cattle shows and exhibitions; and also for their ploughing matches, and trials of working oxen; within which bounds and limits, no persons shall be permitted to enter or pass, unless in conformity with the rules and regulations of the Trustees or other officers of said societies respectively. And if any person shall enter or pass within the bounds and limits thus fixed and defined as aforesaid, contrary to the rules and regulations of the Trustees or other officers of said societies, as aforesaid, after he shall have been notified thereof, he shall forfeit and pay a sum, not less than one dollar, nor more than five dollars, to be recovered before any Justice of the Peace of the same county, in an action of the case, at the suit of the Treasurer of said society, to the use of the society aforesaid: *Provided, however,* that nothing herein contained, shall be construed to authorize such societies to occupy or include within their limits as aforesaid, the estate of any person or persons, without the consent of the owners thereof, or to occupy any public highway in such manner as to obstruct the public travel therein.

SEC. 2. *Be it further enacted,* That for the purpose of enabling the societies aforesaid, to give greater efficiency to the rules and regulations of their respective officers for the preservation of good order, on the particular occasions of their public cattle shows and exhibitions, the Trustees of the said societies respectively, shall be, and hereby are authorized to nominate and appoint a sufficient number of suitable persons, who shall be inhabitants of the county, to act as Marshals, and who shall be sworn to the faithful and impartial discharge of their duty, and shall have the same authority in relation to the preservation of the public peace, and to the service and execution of criminal process, and which may be directed to them accordingly, within the towns respectively, in which such shows and exhibitions may be held, as Constables by law now have; and they shall exercise their said office from twelve o'clock at noon of the day preceding the day of the commencement of such shows and exhibi-

tions until twelve o'clock at noon, of the day succeeding the termination thereof, and no longer.

[Approved by the Governor, February 9th, 1821.]

CHAP. L.

An Act to incorporate the First Congregational Church and Society, in Troy.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That David Anthony, Sylvester Allen, Thomas Durfee, Joseph E. Read, James Ford, Junior, Thomas Vickary, John Turner, Isaac H. Borden, Dexter Wheeler, William Shaw, and Caleb Cook, with their associates and successors, be, and they hereby are incorporated as a religious society, by the name of the First Congregational Church and Society, in Troy, with all the privileges, powers, and immunities, to which other religious societies in this Commonwealth, are by law entitled.*

Persons incorporated.

SEC. 2. *Be it further enacted, That said society shall be capable in law, to purchase, hold and dispose of any estate, real or personal, for the use of said society; provided, the annual income thereof shall not exceed, at any time, the sum of ten thousand dollars.*

May hold real estate.

SEC. 3. *Be it further enacted, That the said society may have power to elect all necessary officers, and to order and establish such regulations, rules, and by-laws for their government, and for the management of their property and concerns, as they may see fit; provided, the same be not repugnant to the constitution and laws of this Commonwealth.*

General powers.

SEC. 4. *Be it further enacted, That any Justice of the Peace for the County of Bristol be, and he hereby is authorized, upon application of any six of the persons above named, to issue his warrant to some member of said society, requiring him to warn the members*

thereof, to meet at such convenient time and place in said Troy, as shall be therein directed, to choose such officers as said society may think necessary. Election of Officers.

[Approved by the Governor, February 9th, 1821.]

CHAP. LI.

An Act in addition to the several Acts heretofore passed, to regulate the Fishery in Rehoboth and Swanzey.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That no person whatever, shall be permitted to set any seine, net, weare, or other obstruction across Palmer's River, in Swanzey, at any time between the first day of April, and the twentieth day of June in each year, for the purpose of obstructing the passage of fish up the said river into Rehoboth; and if any person or persons shall, within the time aforesaid, set any seine, net, weare, or other obstruction across said river, for the purpose aforesaid, he or they shall forfeit and pay a fine of seven dollars, for each and every such offence, to be recovered by action of debt, one half thereof to the use of him or them who shall prosecute therefor, and the other half to the use of the town in which the offence shall be committed; and such seine or net so set across said river, shall also be forfeited to the use of him or them who shall prosecute for the same. Obstructions. Penalty. Seine or net, may be seized.

[Approved by the Governor, February 9th, 1821.]

CHAP. LII.

An Act for apprehending Offenders, in any County.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That whenever a warrant against any person, shall be duly issued by a Justice of the Peace within this Commonwealth, for any supposed offence committed within his county, or in pursuance of the provisions of law, for the maintenance of bastard children, and the persons complained of shall, either before or after the issuing such warrant, escape or go out of said county, the Sheriff or any Deputy Sheriff thereof, to whom the said warrant may be directed, shall have power and authority to pursue the person complained of, and to apprehend him in any county of this Commonwealth, and to convey him into the county in which the act complained of, may have been committed, that such proceedings may there be had, as the law shall require.

Extension of
power.

[Approved by the Governor, February 12th, 1821.]

CHAP. LIII.

An Act in addition to an Act, entitled "An Act in addition to an Act entitled an Act empowering the Justices of the Supreme Judicial Court to grant Writs of Review, in certain cases."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That when it shall be made to appear to the Justices of the Supreme Judicial Court, upon the application of the party aggrieved, that a judgment has been rendered against him upon a suit commenced when he was absent from the Common-

Relief of absen-
tees.

wealth, and that he had no notice thereof before the rendition of final judgment therein, the said Justices may, if they think it reasonable, grant a writ of review of such action at any time within three years after such party shall first have had notice of the rendition of such judgment.

[Approved by the Governor, February 12th, 1821.]

CHAP. LIV.

An Act further to regulate the Jurisdiction and Proceedings of the Courts of Probate.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That when any part of the real estate of a person deceased, shall lie in common and undivided with that of any other person or persons, the Judge of Probate, having jurisdiction of the settlement of the estate of the deceased, may issue his warrant to a committee of three discreet and disinterested freeholders, directing them to sever and divide said real estate of the deceased, from that of such other person or persons, according to law; but the said Judge may cause such real estate of a person deceased, to be divided among his heirs or devisees, or dower to be assigned therein, without first requiring the same to be severed from that of any other person or persons with which it may lie in common, whenever the nature of the case shall permit, and the parties applying for such division or assignment shall request it. And when such real estate of a person deceased, shall lie in common with that of other persons, unknown to the petitioner for partition, public notice shall be given to them by the Courts of Probate, in the same manner as it may be done by the courts of law; *provided*, that an appeal shall be allowed from any order, denial, or decision of any Judge of Probate, on any petition or

Referees.

Partition of estates.

application made under the authority of this act, in like manner as in other cases.

Records.

SEC. 2. *Be it further enacted*, That all partitions of real estate, made under the authority of any Court of Probate, where the same is holden in common with a stranger, and all distributions of the real estate of any testator or intestate, lying out of the county in which such court is holden, and under the authority aforesaid, shall be recorded in the Registry of Deeds, in the county where such real estate lies.

Disposal of personal property.

Proviso.

SEC. 3. *Be it further enacted*, That whenever it shall be made to appear to the Supreme Court of Probate, that it would be manifestly beneficial to any ward or *cestui que* trust, that a portion of the personal property in the hands of his Guardian or Trustee, should be invested in stock in any public fund, or in real estate, and no different provision is made for the disposal of such personal property, in the instrument by, or under which, such Guardian or Trustee is appointed, the court, on petition of such Guardian or Trustee, or of any person having an interest in said property, may order the same to be invested in such stock or in real estate, within such time, and under such limitations and restrictions, as it shall think proper to impose; *provided*, that notice of the substance of such petition be previously given to all persons interested, in the same manner as is required in case of petitions for partition of real estate; that they may appear and shew cause, if any they have, why the prayer of such petition should not be granted. *And provided, also*, that nothing in this section, shall be so construed, as to take away the right which Guardians and Trustees now have to invest the estates of their wards in stock, or in any public funds, without application to the said Supreme Court of Probate.

[Approved by the Governor, February 12th, 1821.]

CHAP. LV.

An Act in further addition to the Act for the orderly Solemnization of Marriages.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That every stated ordained Minister of the Gospel shall be, and hereby is authorized and empowered to solemnize marriages between persons that may, lawfully, enter into that relation, when one or both of the persons to be married, belong to the parish or congregation of such Minister, although such person or persons shall reside without the limits of the town, parish, or district in which such Minister may be settled; and such marriages may be solemnized either within the town, parish, or district wherein such Minister resides, or wherein such person or persons may reside.

General powers
to Ministers.

SEC. 2. *Be it further enacted,* That whenever any persons, who may, lawfully, enter into the marriage relation, shall belong to, or be resident in a town or district, in which there shall be no stated ordained Minister of the Gospel, of the sect or denomination to which such persons, or either of them belong, it shall be lawful for any settled, ordained Minister, of the sect or denomination to which such persons, or either of them belong, residing in any other town or district within this Commonwealth, to solemnize marriage between such persons, within the town or district where they, or either of them reside; the certificate of which marriage, shall be filed with the Clerk of the town or district where such marriage shall be solemnized: and the duties of Ministers and Town Clerks, in relation to certificates of marriage, solemnized under the provisions of this act, and the penalties for the neglect thereof, shall be the same as are provided in the act, entitled "an act for the orderly solemnization of marriages."

Marriage certificates.

[Approved by the Governor, February 12th, 1821.]

CHAP. LVI.

An Act respecting Cases of Divorce and Alimony.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That after a libel for divorce, whether from the bonds of matrimony, or from bed and board, shall have been filed in the office of the Clerk of the Supreme Judicial Court, the said court shall have power at any term thereof, whether holden in the county where such libel is filed, or in any other county, on application by petition, to prohibit the husband from imposing any restraint upon the personal liberty of the wife, during the pendency of such libel; and also to make such order or decree concerning the care and custody of the minor children of the parties, or any or either of them, as under the circumstances of each case, the said court shall judge expedient, and for the benefit of such children. And whenever a decree of divorce shall be rendered, the said court shall have power to make such further order and decree as to them may appear expedient, concerning the care, custody and support of such minor children, or any or either of them; and to determine, with which of the parents the said children, or any or either of them, shall remain. And after such decree rendered, the said court shall have power, from time to time, on application by petition, to revise, alter, and amend such order or decree, relative to the care, custody and support of such children, or any or either of them, as the circumstances of the parties, respectively, and the benefit of such children, may, in their judgment, require.*

Pendency of Libels.

Support of Children.

Powers of the Court.

SEC. 2. *Be it further enacted, That in all cases, where alimony may be decreed, the said court shall have power, in their discretion, to order adequate security to be given for the payment of such alimony, under such limitations as the said court may judge proper. And all such orders and decrees, made pursuant to the provisions of this act, shall and may be enforced and carried into execution, by process of at-*

tachment, or other proper process, as the circumstances of each case may require. And the said court shall have power, at their discretion, to grant costs for petitioners or respondents, in cases arising under this act.

[Approved by the Governor, February 12th, 1821.]

CHAP. LVII.

An Act to incorporate the Lancaster Cotton Manufacturing Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That David Poignand, Samuel Plant, Benjamin Rich, Isaac Bangs, and Seth Knowles, together with such others as may hereafter associate with them, and their successors, be, and they are hereby made a corporation, by the name of the Lancaster Cotton Manufacturing Company, for the purpose of manufacturing cotton, in the Town of Lancaster, in the County of Worcester; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations." Persons incorporated.

SEC. 3. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of thirty thousand dollars, and such personal estate, not exceeding the value of seventy thousand dollars, as may be necessary and convenient for carrying on the manufacture of cotton, in the said Town of Lancaster. Powers and privileges.

[Approved by the Governor, February 12th, 1821.] Limitation of real estate.

CHAP. LVIII.

An Act to incorporate the First Baptist Society, in
Newton.

Persons incorpo-
rated.

Title.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Stephen Dana, Peter Lyon, Josiah Bacon, Nathan Patty, Jonathan Bixby, Jesse Smith, Reuben Stone, Isaac Dana, Jesse Lyon, Thomas Richardson, Eleazer Kingsbury, Seth Colburn, Elisha Wiswall, Elisha Hyde, Enoch Richards, Samuel W. Dix, Lemuel Pratt, and their associates, and such as shall hereafter unite with them, for the purpose of religious worship, and their successors, be, and they are hereby incorporated, by the name of the First Baptist Society, in Newton, with all the powers, privileges, and immunities, to which other religious societies are entitled by the constitution and laws of this Commonwealth.

First Meeting.

SEC. 2. *Be it further enacted*, That any Justice of the Peace for the County of Middlesex, upon application therefor, is hereby empowered to issue a warrant, directed to a member of the said Baptist Society, in Newton, requiring him to notify and warn the members thereof, to meet at such convenient time and place, as shall be appointed in said warrant, to organize the said society, by the appointment of its officers.

[Approved by the Governor, February 12th, 1821.]

CHAP. LIX.

An Act to provide for straightening the Course of the
River Aggawaum, in the County of Hampden.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That for the purpose of

straightening the course of the River Aggawaum, near its mouth, in the meadows in West Springfield, the Supreme Judicial Court, at any term thereof, holden in either of the Counties of Hampshire or Hampden, be, and they are hereby empowered to appoint three discreet, disinterested freeholders, of either of the said counties, who shall be sworn to the faithful discharge of the duties of their appointment, and who shall have power to meet from time to time, when they may judge it necessary, and view the said river and meadows, hear all persons concerned or interested therein, and determine whether any alterations in the course of the said river would be useful and necessary; and if so, when, where, and in what manner any new channel or channels, shall be cut, and any dam or dams, erected, or obstructions removed, for accomplishing the objects aforesaid; and employ any person or persons to effect the same, upon such terms as the said Commissioners may judge reasonable.

Appointment of
Commissioners.

Duty of Commis-
sioners.

SEC. 2. *Be it further enacted,* That before any channel or channels, shall be cut, or any dam erected, or the waters of said river shall be turned on the land of any person or persons, without his or their consent, bonds, in the judgment of said Commissioners, sufficient to indemnify him or them, shall be given, and to secure the payment of such damages as shall be finally awarded; or in case the said Commissioners shall adjudge the same reasonable, such damages as the said Commissioners shall order and award, shall be paid or tendered. And for the purpose of compensating any person or persons, who may be injured in their lands, or in any other way, by means of cutting such new channel or channels, or by means of any other operation under this act, and for defraying all expenses incurred by their doings, the said Commissioners are hereby empowered to hear all parties interested, and determine the amount of damages by them sustained, and award due compensation therefor; and for that purpose to assess the several proprietors of lands, and other persons, or corporations, benefited by the doings of the said Commissioners, such sums as to them may appear just and equal, as well to make compensation, as to defray the expense of erecting

Award of Dam-
ages.

Assessment of
taxes.

such dams, cutting such channels, and removing such obstructions; and also to appoint and swear a Collector or Collectors, for collecting the taxes so assessed; whose duty it shall be to pay the same to such person as the said Commissioners shall appoint to receive the same. And the said Collector or Collectors, shall receive from the said Commissioners, a list or lists, of the said assessments, with their warrant or warrants, for collecting the same; and thereupon, such Collector or Collectors, shall have the same power to collect such taxes, as Collectors have by law, in collecting town taxes.

Vacancies filled. SEC. 3. *Be it further enacted*, That any vacancy which may happen by death, resignation, or otherwise, of any of said Commissioners, may be filled in the same manner as is provided in the first section of this act, for their original appointment.

Public notice to be given. SEC. 4. *Be it further enacted*, That before any meeting of the said Commissioners, to determine on the time and manner of doing the things which they are empowered to do by virtue of the first section of this act; and also any meeting for making the assessments aforesaid, public notice shall be given thereof, at least fourteen days, before the day of holding such meeting, by causing an advertisement, signed by any two of them, in which shall be specified the time, place and object of such meeting, to be published in a newspaper printed in Springfield, two weeks successively; and also by causing like advertisements to be posted up in some public place, in each of the said Towns of Springfield and West Springfield, that all persons interested in their doings, may be heard thereon: *Provided, however*, that the said Commissioners may adjourn any such meeting from time to time, as they may think proper, giving all persons present, notice of the time and place to which they may adjourn. And the said Commissioners shall keep a record of their proceedings, and shall be holden to permit all persons interested therein, to inspect the same at all reasonable times.

SEC. 5. *Be it further enacted*, That any persons aggrieved by the doings of the said Commissioners, or of any other person or persons, in pursuance of the

authority and powers by this act given, may appeal to the Supreme Judicial Court, holden for the County of Hampden, at the term thereof next after the cause of such grievance shall have accrued: And any person who may have sustained any damage, by any act or thing, done by the said Commissioners, or by their authority, when the said damage may have been suffered after the term of said court, holden next after such doings, may also appeal to the said court, at the term holden next after such damages accrued: And the said court are hereby authorized to hear and determine upon such appeal; and if any question of fact shall arise thereon, may direct an issue to be tried by a jury, either upon a view, or at the bar of said court, and may render judgment, and award execution thereon: *Provided, however,* that whenever any appeal is made, notice in writing, of such appeal, shall be left with the said Commissioners, or one of them; *and provided, also,* that no appeal shall be sustained for damages incurred, more than two years after the doing of any act complained of.

Appeals for damages.

Proviso.

[Approved by the Governor, February 13th, 1821.]

CHAP. LX.

An Act to establish the Farmers' Association.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Epaphras Hoyt, Isaiah Wing, Orlando Ware, Ralph Williams, John Wilson, Ephraim Williams, 2d, Jonas Bridges, Henry Hitchcock, Charles Hitchcock, Frederick Boyden, Ralph Arms, Quartus Hawks, Asahel Wright, Samuel Catlin, and Elihu Hoyt, together with such others as may hereafter associate with them, be, and they hereby are made a corporation, by the name of the Farmers' Association, for the promotion of agriculture, and for the encouragement of experiments therein; and for this

Persons incorporated.

Powers and privileges. purpose, shall have all the powers and privileges and be subject to the like duties and restrictions as incorporated agricultural societies in this Commonwealth; and the said corporation may hold and possess real estate, not exceeding the value of five thousand dollars, and may hold personal estate, the annual income of which shall not exceed the sum of one thousand dollars: *Provided*, that nothing in this act shall be considered as extending to this corporation, any of the provisions of an act, entitled "an act for the encouragement of agriculture and manufactures, passed the twentieth day of February, in the year of our Lord one thousand eight hundred and nineteen."

Limitation of real estate.

Proviso.

SEC. 2. *Be it further enacted*, That the said society shall have authority to establish and maintain a library, and for that purpose may choose such additional officers, as may be necessary, and may raise money by assessments on the several proprietors thereof, as they may judge necessary, for preserving and increasing the same; may make by-laws for the regulation of said library, not repugnant to the constitution and laws of this Commonwealth, and may annex and recover penalties for any breach of such by-laws, not exceeding three dollars for any one breach thereof.

Library.

By-laws.

SEC. 3. *Be it further enacted*, That any Justice of the Peace for the County of Franklin, is hereby authorized to issue a warrant directed to one of the members aforesaid, requiring him to notify and warn the first meeting of said society to be held in Deerfield, at such convenient time and place, as may be appointed in said warrant, to organize said society by electing necessary officers and forming rules and regulations for the governing of the said society.

First Meeting.

[Approved by the Governor, February 13th, 1821.]

CHAP. LXI.

An Act to apportion and assess a Tax of One Hundred and Four Thousand, Five Hundred and Fifteen Dollars and Eighty Nine Cents, and to provide for the reimbursement of Sixteen Thousand, Five Hundred and Eighty Dollars, paid out of the public Pay of civil list. Treasury, to the Members of the House of Representatives, for their attendance at the two last sessions of the General Court.

[Approved by the Governor, February 13th, 1821.]

CHAP. LXII.

An Act to authorize the Sale of certain School Lands, in the County of Berkshire.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Snellem Babbit, Esquire, of Savoy, be, and he is hereby empowered to sell, either by public auction, or at private sale, as he Grant of powers. may judge most for the interest of those concerned, and pass deeds to convey all the lands reserved for the use of schools, in the grant originally made to William Bullock, Esquire, and his associates, situate in the County of Berkshire, and the avails of the said sale shall be paid over, and appropriated, as is hereinafter, in this act provided. And whereas a part of said grant has been incorporated into the Town of Savoy, a part thereof, into the Town of Florida, and a part into the Town of Clarksburgh, and a part thereof, still remains unincorporated ;

SEC. 2. *Be it therefore enacted,* That the monies arising from said sale, shall be divided between the Distribution of money. said Towns of Savoy, Clarksburgh, and Florida, and the said unincorporated tract of land, in proportion to the quantity of land in said original grant, included in

said Savoy, Florida, and Clarksburgh, and said unincorporated tract of land; the said division to be made under the direction of the Judge of Probate for the County of Berkshire, upon the principles before mentioned.

Bonds to be given.

SEC. 3. *Be it further enacted*, That the said Snellem Babbit shall, previous to his making sale of the said school lands, give bond to the Judge of Probate for the said County of Berkshire, in a reasonable sum, with sufficient surety, for the faithful performance of his duty therein, and for the faithful application and appropriation of the monies which may come into his hands, from the avails of said lands, according to the provisions of this act.

Monies to be paid over.

SEC. 4. *Be it further enacted*, That the said Snellem Babbit shall, as soon as may be, after the sale of said lands, pay over the proceeds thereof, to the respective Town Treasurers of the Towns of Savoy, Clarksburgh, and Florida, and also to the Treasurer of said territory, at this time unincorporated; *provided*, the same shall then have been incorporated into a town, in proportion to the sums that shall be coming to the said towns respectively, according to the provisions of this act. And in case the said unincorporated tract shall not have been incorporated into a town, at the time the said monies shall have been received from the said school lands, and ready to be paid over as aforesaid, it is hereby provided, that as soon as there shall be at least ten freeholders residing within the limits of the said unincorporated territory, the said freeholders shall have authority to appoint, from among their number, one as an Agent, to receive from the said Snellem Babbit, that portion of the avails of said school lands, to which they may be entitled: *Provided, however*, that the said Agent that may be thus appointed, shall, previous to his receiving the said money, execute a bond, with sufficient surety, in a reasonable sum, to the Judge of Probate for the County of Berkshire, for the faithful application of the money which may come into his hands, according to the provisions of this act.

Agent to give bonds.

SEC. 5. *Be it further enacted*, That the monies arising from the sale of the said school land, shall be

put out at interest, as soon as may be, and secured either by mortgage on real estate, or by two sufficient sureties; and the interest and profits only, of said funds, shall ever be appropriated to the use of schools. And it shall never be in the power of either of the said towns, or of the inhabitants of said unincorporated tract, to alienate or vary the appropriation of the said funds, or to apply them to any other object than the use of schools.

Sureties.

Permanency of funds.

SEC. 6. *Be it further enacted*, That in case the said unincorporated tract shall not have been incorporated into a town, and shall not contain within its limits, at the least, ten freeholders, at the time said Babbit shall have in his hands the monies arising from said school lands, ready to pay over, according to the provisions of this act, it shall be the duty of the said Babbit to put out on interest, to be secured as beforementioned, that part of said money, to which the said unincorporated territory may be entitled, until the inhabitants shall be enabled to receive the same, according to the provisions of this act.

Disposition of funds.

[Approved by the Governor, February 13th, 1821.]

CHAP. LXIII.

An Act directing the time and manner of appointing a County Treasurer, for the County of Suffolk.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Selectmen, the Overseers of the Poor, and the Board of Health of the Town of Boston, and the Selectmen of the Town of Chelsea, shall meet in convention, in the Town of Boston, on the second Monday of June, annually, and elect, by ballot, some suitable person, being an inhabitant of the county, to be County Treasurer, for the County of Suffolk, for the term of one year from said second Monday of June, and until another person shall

Election of County Treasurer.

be appointed and qualified to act in his stead. And whenever the said office of County Treasurer shall become vacant, by death, resignation, or otherwise, the vacancy shall be filled in the same manner. And the said convention may meet at such other times, and in such manner, as they may from time to time, direct; and may make to the person so chosen to be County Treasurer, such allowances for his services in executing the duties of his office, as to them shall seem reasonable. And the person so appointed, and accepting the office, shall be sworn to the faithful discharge of the trust, and shall give bonds for the performance of the duties of said office, to the satisfaction of the convention, above named.

Record of proceedings.

SEC. 2. *Be it further enacted*, That the Town Clerk of the Town of Boston, or in his absence, such person as the said convention may appoint, shall be present at all meetings, and shall make a record of the proceedings of the convention, in a book to be kept by him for that purpose.

First Meeting.

SEC. 3. *Be it further enacted*, That the Selectmen of the Town of Boston be, and they are hereby authorized to give notice of the first meeting of the said convention, seven days at least, before the second Monday of June next.

Repeal of all former laws.

SEC. 4. *Be it further enacted*, That all laws heretofore made, in relation to the mode of electing County Treasurers, so far as they relate to the County Treasurer of the County of Suffolk, be, and the same are hereby repealed.

[Approved by the Governor, February 13th, 1821.]

CHAP. LXIV.

An Act to ascertain the Rateable Estate within this Commonwealth.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Assessors for each town, district, and plantation, within this Commonwealth, for the year one thousand eight hundred and twenty one, shall, on or before the first day of October next, take and lodge in the Secretary's Office, a true and perfect list, conformably to the list hereto annexed, of all male polls, including negroes and mulattoes, of sixteen years old and upwards, whether at home or abroad, (distinguishing those of sixteen years old and upwards to twenty one years, from those that are twenty one years old and upwards, also distinguishing such as are exempted from taxation,) and of all rateable estate, both real and personal, lying within or adjacent to their respective towns, districts, or plantations, (not exempted by law from paying State taxes,) expressing by whom occupied or possessed, particularly distinguishing such adjacent estates, and particularly mentioning dwelling houses and shops under the same roof, or adjoining thereto, shops separate from them, distil houses, sugar houses, tan houses, slaughter houses, pot and pearl ash works, ware houses, wharves, grist mills, fulling mills, saw mills, iron works and furnaces, bake houses, and all other buildings and edifices of the value of twenty dollars and upwards, and the number of tons of vessels and small craft of every kind, upwards of five tons burthen, computing the same according to the rules established by the laws of the United States, whether at home or abroad, and the amount of each person's whole stock in trade, including all goods, wares, and merchandize, at home or abroad, paid for or not paid for; also those in their hands by factorage, also government securities of all kinds, particularly distinguishing securities of the United States, and all other monies at interest,

Polls.

Real and Personal Estate.

Valuation of property.

more than any creditor pays interest for; also the whole amount of monies on hand, including such as may be deposited in any bank or with any agent, exclusive of such as may belong to any stockholder as such, the amount of stock held by the stockholders in any bank; the number of ounces of plate of all kinds, the number of shares in any toll bridges or turnpikes, horses, neat cattle and swine of the respective ages in the said list mentioned. And the said Assessors, in taking the said valuation, shall distinguish the different improvements of land, and return the list in the following manner, viz.: The number of acres of pasture land, with the number of cows, and all the after feed of the whole farm, the same land will keep; the number of barrels of cider that has been annually produced on an average, upon the whole farm since the last valuation; the number of acres of tillage land annually improved for that use; the number of bushels of grain and corn of all sorts the same will yearly produce; the number of acres of salt marsh, with the tons of hay annually produced therefrom; the number of acres of English upland and fresh meadow mowing land, with the tons of hay of each sort annually produced therefrom; also, all cow rights and all woodland of every sort, and lands belonging to any town or other proprietary, improved or unimproved; also, the number of acres improved for roads, and covered with water, according to the best estimation of the Assessors; and all such lands the owners and occupiers of which are holden to pay a quit rent to Harvard College pursuant to the direction of the original donor or donors, that the same may be considered in the valuation which may be established in pursuance of this act; excepting, however, the polls of the President, Professors, Tutors, Librarians, and other officers of Harvard and Williams Colleges, actually residing at Cambridge or Williamstown, and Students at either of said Colleges, of settled Ministers, of Grammar School Masters, and Preceptors of the several incorporated Academies, with their estates under their own actual occupation and improvement, and also all the estates belonging to the said Harvard and Williams Colleges, and to the said Academies: *Provided, however,* that when the estate, real and person-

Manner of taking valuation.

Exceptions.

Provisos.

al, of any person hereby exempted, shall exceed the sum of eight thousand dollars, the surplus shall then be included in the valuation hereby directed to be taken: *Provided, always*, that the several articles of the produce of the lands herein before enumerated, shall not be taken into consideration in forming a valuation for any other purpose, than for ascertaining the relative value of lands in the various parts of this Commonwealth. And the said Assessors shall cause all the columns of the several articles contained in the several lists, to be carefully cast up and footed; and the lists of the polls and rateable estates to be taken as aforesaid, shall be taken as of the first day of May next.

SEC. 2. *Be it further, enacted*, That the said Assessors, before they enter on this work, shall take the following oath or affirmation, viz.: You, A. B. being chosen an Assessor for the year eighteen hundred and twenty one, do swear, (or affirm) that you will faithfully and impartially, according to your best skill and judgment, do and perform the whole duty of an Assessor, as directed and enjoined by an act of this Commonwealth, made in the present year, entitled "an act to ascertain the rateable estate within this Commonwealth," without favor or prejudice. So help you God. Which oath or affirmation, may be administered by such officers as are now authorized, by law, to administer the usual oaths to town officers. And each and every Assessor shall be allowed by the town, district, or plantation, to which he belongs, the sum of one dollar and twenty five cents for every day which he shall be necessarily employed in doing the duties enjoined by this act.

Oath of Assessors.

Pay of Assessors.

SEC. 3. *Be it further enacted*, That if any Assessor of any town, district, or plantation, within this Commonwealth, for the year aforesaid, shall refuse to take such oath or affirmation, or, having taken the same, shall neglect or refuse to do and perform the duties required by this act, or shall act in any way fraudulently or deceitfully therein, he shall for each of those offences, forfeit and pay a fine of not less than one hundred dollars, nor more than two thousand dollars, at the discretion of the court before whom trial shall be had. And every person liable to be taxed, and

Fines,

not out of this Commonwealth, on, and from the first day of May next, to the first day of August next, who shall refuse, or wilfully neglect to give the Assessors, in writing, and on oath or affirmation, if required, (which oath or affirmation, the said Assessors are hereby respectively empowered to administer,) a true account of all his or her rateable estate, according to the true intent and meaning of this act, shall be doomed by the said Assessors, according to their best skill and judgment, to the full amount of his or her rateable estate. And the oath last mentioned, shall be of the following form, viz.: You, C. D. do swear (or affirm) that all your rateable estate, conformable to this list, here shewn by you, doth not exceed this account, by you now exhibited, according to your best knowledge and judgment: So help you God. *Provided, nevertheless,* that every person conscientiously scrupulous of taking an oath, in the form required by law, who shall be required to take either of the oaths aforesaid, shall be excused therefrom, upon solemnly and sincerely affirming the truth of the declarations therein contained, under the pains and penalties of perjury.

Proviso.

SEC. 4. *Be it further enacted,* That the Treasurer of this Commonwealth shall forthwith transmit to the Sheriffs of the several counties, a number of copies of this act, and of blank lists of the form prescribed herein, sufficient for the use of the Assessors of the several towns, districts and plantations, in their several counties, who are hereby enjoined and required, immediately on receipt thereof, to cause the same to be delivered to the Clerks of the several towns, districts and plantations aforesaid.

Blank lists.

SEC. 5. *Be it further enacted,* That the Assessors in each town, district and plantation in this Commonwealth, for the year eighteen hundred and twenty one, shall, on or before the said first day of October next, transmit to the Secretary's Office, a true and attested copy of the valuation by which the Assessors of the said towns, districts and plantations, made the State tax in their respective towns, districts and plantations, for the year eighteen hundred and twenty. And all fines and forfeitures arising by this act, may be recov-

ered in the Supreme Judicial Court of this Commonwealth, by action of debt, one moiety to him or them who shall sue for the same, and the other moiety to the use of the Commonwealth; or by information filed in the same court, by the Attorney or Solicitor General, in which case, the forfeiture shall wholly accrue to the Commonwealth. And the Secretary is hereby required to furnish the Attorney and Solicitor General with a list of those towns, districts and plantations, the Assessors of which shall neglect to lodge in his office a list of the polls and estates agreeably to the provisions of the first section of this act, to the end that they may be prosecuted at the discretion of said officers.

SEC. 6. *Be it further enacted,* That the following shall be the form of the list, for the valuation of the year eighteen hundred and twenty one.

A list of the polls and estates, real and personal, of the several proprietors and inhabitants of the town, district, or plantation of _____ in the county of _____ taken pursuant to an act of the Legislature of this Commonwealth, passed in the year of our Lord eighteen hundred and twenty one, entitled "an act to ascertain the rateable estate within this Commonwealth," by the subscribers, Assessors of the said _____ duly elected and sworn.

Number of polls rateable, sixteen years old and upwards, to twenty one years.

Number of polls rateable, twenty one years old and upwards.

Number of male polls not rateable, nor supported by _____ the town. Valuation list.

Number of male polls supported by the town.

Number of dwelling houses.

Number of shops within, or adjoining to dwelling houses.

Number of other shops.

Number of distil houses.

Number of sugar houses.

Number of tan houses.

Number of slaughter houses, and other working houses.

Number of pot and pearl ash works.

Number of ware houses.

Number of rope walks.

Number of grist mills.

Number of carding machines, with their buildings.

Number of fulling mills.

Number of spinning machines going by water, with their buildings.

Number of saw mills.

Number of small arm manufactories, with their buildings.

Number of slitting mills.

Number of cotton and woollen factories, with their buildings.

Number of other mills.

Number of iron works and furnaces.

Number of glass factories.

Valuation list. Number of card factories.

Number of bake houses.

Number of barns.

Number of all other works, buildings and edifices, of the value of twenty dollars and upwards.

Number of superficial feet of wharf.

Number of tons of vessels and small craft, of five tons burthen and upwards, at home or abroad, computing the same according to the rules established by the laws of the United States.

The amount of every person's whole stock in trade, goods, wares, and merchandize, at home or abroad, paid for or not paid for.

The annual amount of commissions arising from factorage.

The amount of securities of the United States, of this State, or any of the United States, and at what rate of interest.

The amount of money on hand, including such as may be deposited in any bank, or with any agent, and exclusive of such as may belong to any stockholder as such.

The amount of stock, held by the stockholders in any bank.

Number of ounces of plate.

Number of shares in any toll bridges, or turnpikes, and the value of such shares, with the annual income thereof.

Number of acres of tillage land, including orchards tilled.

Number of bushels of wheat.

Number of bushels of rye.

Number of bushels of oats.

Number of bushels of Indian corn.

Number of bushels of barley.

Number of bushels of peas and beans, raised on the said tillage land, by the year.

Number of pounds of hops.

Number of acres of English and upland mowing, including orcharding mowed.

Number of tons of hay, the yearly produce of the same.

Number of acres of fresh meadow.

Number of tons of hay, the yearly produce of the same.

Number of acres of salt marsh.

Number of tons of hay, the yearly produce of the same.

Number of acres of pasturage, including the orcharding pastured.

Number of cows the same will keep, with the after feed of the whole farm.

Number of barrels of cider which can be made yearly Valuation list. upon the whole farm.

Number of cow rights.

Number of acres of woodland, exclusive of pasture land enclosed.

Number of acres of unimproved land.

Number of acres of land unimprovable.

Number of acres of land owned by the town.

Number of acres owned by other proprietors.

Number of acres of land used for roads.

Number of acres of land covered with water.

Number of horses three years old and upwards.

Number of oxen four years old and upwards.

Number of steers and cows three years old and upwards.

Number of swine six months old and upwards.

Amount of real estates doomed.

Amount of personal estates doomed.

SEC. 7. *Be it further enacted,* That the Treasurer of this Commonwealth shall cause to be ascertained the number of acres of wild land situate in this Commonwealth, which are without the limits of any incor-

Wild lands.

porated towns, or of any district or plantation where Assessors are elected, according to law, (and which wild lands are owned by non resident proprietors,) and the said Treasurer shall cause a true list of the same to be made, and also of the several counties wherein the same are situated, and on or before the first day of October next, the said Treasurer shall transmit a copy of said list to the Secretary of State for the time being.

[Approved by the Governor, February 13th, 1821.]

CHAP. LXV.

An Act establishing the Law of the Road.

Travellers to turn to the right.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That in all cases of persons meeting each other on any bridge, turnpike, or other road, within this Commonwealth, travelling with carriages, waggons, carts, sleds, sleighs, or other vehicle, the persons so meeting, shall seasonably turn, drive and convey their carriages, waggons, carts, sleds, sleighs, or other vehicle, to the right of the centre of the travelled part of such bridge, turnpike, or road, so as to enable each other's carriages, waggons, carts, sleds, sleighs, or other vehicle, to pass each other, without interference or interruption.

Bells.

SEC. 2. *Be it further enacted*, That no person shall be allowed to travel on any bridge, turnpike, or other road, within this Commonwealth, with any sleigh, or sled, drawn by a horse or horses, unless there shall be three or more bells attached to the horse or horses, or to some part of the harness thereof.

Fines.

SEC. 3. *Be it further enacted*, That every person offending against any of the provisions of this act, shall forfeit and pay for each offence or neglect, a fine not less than one dollar, nor more than twenty dollars, to the use of the Commonwealth, to be recovered on

complaint before any Justice of the Peace in the county where the offence shall be committed; and shall moreover, be held answerable to any party injured, for all damages which may be sustained in consequence of such offence or neglect: *Provided*, that no prosecution shall be sustained under this act, unless upon complaint duly made, within ninety days from the time when the offence shall have been committed; nor any action for damages, unless the same shall be commenced within one year after the cause of such action shall have accrued: *And provided, also*, that no prosecution shall be sustained for any violation of the provisions of the first section of this act, except on the complaint of the person or persons aggrieved, or some one duly authorized by the person or persons aggrieved.

SEC. 4. *Be it further enacted*, That this act shall take effect, and be in force from and after the first day of June next, and not before.

[Approved by the Governor, February 14th, 1821.]

CHAP. LXVI.

An Act to change the Names of the Persons therein mentioned.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Hayden, Junior, son of John Hayden, of Cambridge, trader, shall be allowed to take the name of John Cole Hayden; that Abel Wrifford, of Boston, writing master, may take the name of Allison Wrifford; that Sarah Davis Dorr, daughter of William Dorr, of Dorchester, may take the name of Sarah Whitney Davis Dorr; that Thomas Green, of Boston, printer, may take the name of Thomas Allen Green; that Jacob Read, Junior, of Salem, trader, may take the name of John Read; that Nathaniel Fisher, of Boston, merchant, may take the

Names changed.

name of George N. Fisher; that William Luscomb, the third, of Salem, son of William Luscomb, Junior, late of Salem, painter, deceased, may take the name of William George Luscomb; that Thomas Woodbridge Hooper, of Boston, may take the name of Thomas Woodbridge; that Flavel Fay, of Northborough, trader, may take the name of John Flavel Fay; that Charles Parsons, of Boston, merchant, son of Thomas Parsons, of said Boston, merchant, may take the name of Charles Thomas Parsons; that Consider Howland Hammatt, of Boston, merchant, may take the name of Charles Howland Hammatt; that Elizabeth Stickney, daughter of Thomas Stickney, late of Worcester, deceased, may take the name of Elizabeth Stickney Ward; that Tilley Rice, of Worcester, may take the name of George Tilley Rice; that John Tappan, of Boston, merchant, may take the name of John Gallison Tappan; that Darius Holbrook, Junior, of Boston, merchant, may take the name of Darius Blake Holbrook; that Phineas James Whitney, of Shirley, son of Thomas Whitney, Esquire, may take the name of James Phineas Whitney; that John Jones, of Boston, jeweller, may take the name of John Belknap Jones; that De Lucena Palmer, of Amherst, may take the name of Frederick Augustus Palmer; that Agnes Bradlee, daughter of John W. Bradlee, of Boston, may take the name of Agnes Love Bradlee; that Thomas H. Oliver, of Salem, gentleman, may take the name of Henry Kemble Oliver; that Lillie Phelps, of Charlestown, may take the name of Elisha Lillie Phelps; that Argalus Thomas, of Western, innholder, may take the name of Samuel B. Thomas; that Abraham Hammatt, son of William Hammatt, late of Boston, deceased, may take the name of Abraham Barker Hammatt; that Joseph Stanley, of Danvers, shoemaker, may take the name of Joseph Ober Prescott; that Daniel Sigourney, of Boston, son of Daniel Sigourney, late of Chelsea, may take the name of Daniel Andrew Sigourney; that Nathan Tufts, the third, of Charlestown, son of Amos Tufts, blacksmith, may take the name of Nathan Adams Tufts; that Abigail Stone, of Lincoln, singlewoman, and daughter of Gregory Stone, may take the name of Abigail Hart-

well Stone; that Silas Prouty, of Scituate, mariner, may take the name of Silas Penniman; that Benjamin Downes, of Newburyport, may take the name of Benjamin Robert Downes; that John Harris, of Boston, of the firm of Gores and Harris, may take the name of John Sharrad Harris; that Henry Weed, of Dana, may take the name of Henry Stinson Weed; that Pelham Bonney, of Pembroke, may take the name of Pelham Winslow Bonney; that William Josselyn, of the said Pembroke, may take the name of William Warren Josselyn.

SEC. 2. *Be it further enacted*, That from and after the passing of this act, the several persons herein beforenamed, shall be known and called by the names, which by this act, they are respectively allowed to take and assume as aforesaid; and that said names shall forever hereafter be considered as their only proper and legal names, to all intents and purposes.

Legality of
names.

[Approved by the Governor, February 14th, 1821.]

CHAP. LXVII.

An Act for the regulation of the Shad and Alewife Fishery in Cambridge, Charlestown, Medford, and West Cambridge.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the act passed on the sixteenth day of February, in the year of our Lord one thousand seven hundred and eighty nine, entitled "an act to prevent the destruction of the fish called shad and alewives, in Mystick River, so called, within the Towns of Cambridge, Charlestown, and Medford, and for repealing all laws heretofore made for that purpose," shall be taken and construed to extend to the Town of West Cambridge, in the County of Middlesex, as fully to all intents and purposes, as if the said

Extension of former act.

Town of West Cambridge had been originally named in said act; and it shall be lawful for the inhabitants of the said Town of West Cambridge, to catch and take any of the said fish within the limits of said town, on all such days and times, as by the provisions of the act aforesaid, it is made lawful for the inhabitants of the said Town of Cambridge to catch them, and on no other days or times.

Power of Committees.

SEC. 2. *Be it further enacted,* That any member of the several Committees for the preservation of fish, annually to be chosen in each of said Towns of Cambridge, Charlestown, Medford, and West Cambridge, shall have full power and authority to do any act or thing, in any or either of the said towns, which heretofore might have been lawfully done by a majority of either of said Committees, within the town where such Committee was chosen, and shall be entitled to and enjoy all the privileges and protection, when in the exercise or discharge of their duties, in either of said towns, which a majority of either or any of the said Committees were heretofore entitled to and enjoyed, when acting in discharge of their said duties, within the limits of the particular town, for which such Committee was chosen. And any person who shall disturb or hinder any or either of said Committee men in the execution of the duties of their said office, shall forfeit and pay, for every such offence, a sum not exceeding twenty dollars, nor less than ten dollars; and each and every pecuniary penalty to be forfeited and paid by the aforesaid act, for a breach or violation of any of the provisions thereof, is hereby raised and increased to a sum not exceeding twenty dollars, nor less than ten dollars, in lieu of the sums therein mentioned, to be forfeited and paid respectively.

Forfeitures.

Restriction in taking Fish.

SEC. 3. *Be it further enacted,* That for the better securing to the said Towns of Cambridge, Charlestown, Medford, and West Cambridge, their equal benefit from said fishery, the said Town of Medford shall be restricted to fish only on the ebb tide, on such days as by the act aforesaid are provided for the inhabitants of said Medford, to take said fish; and every person who shall catch or take any of said fish upon the flood tide, within the said Town of Medford, or

who shall set, or continue in any of the rivers or other waters mentioned in said act, within the said Town of Medford, upon the flood tide, any net, seine, or other fishing implement for the purpose of catching any of said fish, or to obstruct their passage up or down said rivers, streams or waters aforesaid, shall for each and every such offence, incur the like forfeitures and penalties as shall be incurred by force of this act, by any person who shall catch or take any of said fish contrary to the provisions of the act mentioned in the first section of this act. Penalties.

SEC. 4. *Be it further enacted*, That the inhabitants of the said Town of Charlestown, shall be prohibited and restricted from setting or continuing any net, seine, or other fishing implement in any of the rivers, streams, or waters aforesaid, only while actually drawing or dragging for said fish, except as hereinafter provided; and every person, who shall within the Town of Charlestown, set, or continue any such net, seine, or other fishing implement, in any of the rivers or waters aforesaid, which may stop or obstruct the passage of said fish, up or down the same, unless such person, at the same time, shall be actually engaged in drawing or dragging for said fish, except as hereinafter is provided, shall, for each and every such offence, incur like forfeitures and penalties as shall be incurred by force of this act, by any person who shall catch any of said fish, contrary to the provisions of the act, mentioned in the first section of this act: *Provided*, nevertheless, that nothing herein contained, shall be construed to deprive the said inhabitants of Charlestown of the right of setting and having one stationary net or seine in Little River, so called, at any and all times, between the hours of twelve of the o'clock at noon, and twelve of the o'clock on the following night, on all such days as are lawful for said inhabitants to take said fish. Prohibitions. Penalties. Proviso.

SEC. 5. *Be it further enacted*, That no net, seine, or other fishing implement, shall ever be placed or used in the said Mystic River, nor in the said Little River, within fifteen rods from the point where the waters from those two rivers meet; and every such net, seine, or other fishing implement, which shall be found situated in either of said rivers, contrary to the Prohibitions.

Prosecution for
fines.

provision aforesaid, shall be wholly forfeited to the use of any person who shall find the same; and every person who shall be guilty of placing or putting any such net, seine, or other fishing implement in either of said rivers, within fifteen rods from the meeting of the waters of those rivers as aforesaid, shall forfeit and pay for each and every such offence, the sum of twenty dollars, to be recovered before any Justice of the Peace for said County of Middlesex. And any person who shall be guilty of opposing or hindering the removal of any net, seine, or fishing implement, which shall be found situated in either of said rivers, contrary to the provisions of this section, shall forfeit and pay the sum of twenty dollars, to be recovered in the same manner as the forfeiture last above mentioned.

Penalties.

SEC. 6. *Be it further enacted*, That any person or persons, who shall at any one time catch or have in his or their possession, within either of said Towns of Cambridge, Charlestown, Medford, or West Cambridge, any of said fish, after they have cast their spawn, to the number of twenty or upwards, shall forfeit and pay for each and every offence, a sum not exceeding twenty dollars, nor less than ten dollars.

Seizure of nets,
seines, &c.

SEC. 7. *Be it further enacted*, That every net, seine, or other fishing implement, which shall be placed or used in any of the rivers, streams, or waters aforesaid, within either of said towns, contrary to the provisions of this act, or the act mentioned in the first section of this act, as also all fish that shall be taken contrary to any of the provisions of either of said acts, shall all be forfeited to the use of any person or persons who shall detect or discover any such fish to be taken as aforesaid, or any such net, seine, or other fishing implement to be situated or used as aforesaid; and all forfeitures or penalties to be incurred for a breach of any of the provisions of either of the acts aforesaid, shall be recoverable by any of the inhabitants of either of said Towns of Cambridge, Charlestown, Medford, and West Cambridge, in an action of debt, before any court proper to try the same; one half the amount thereof to the use of the plaintiff in such action, and the other half to the use of the town where he belongs.

Distribution of
fines.

[Approved by the Governor, February 14th, 1821.]

CHAP. LXVIII.

An Act providing for the Payment of one fourth part of the State Debt.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Treasurer of the Commonwealth be, and he is hereby directed and empowered to pay, on the first day of July next ensuing, one fourth part of the debt due from this Commonwealth, on notes issued on authority and in behalf of this Commonwealth, bearing an interest of five per centum per annum, in addition to the interest which shall then have accrued thereon.

Payment of public debt.

SEC. 2. *Be it further enacted,* That the Treasurer shall issue new notes to the several holders of the notes aforesaid, similar to those issued under the act of June fourteenth, in the year of our Lord one thousand eight hundred and ten, entitled "an act repealing an act providing for the payment of two fifth parts of the State debt, and for other purposes, and providing for the payment of one fifth part of the State debt, and for other purposes," *mutatis mutandis*, for the balance which shall be due to them, after deducting and paying off one fourth part of the State debt as aforesaid. And the one fourth part of the State debt, as aforesaid, shall cease to bear interest after the first day of July next: *Provided, however,* that the Treasurer shall issue no new note for a less sum than one hundred dollars; but in any case, where, after the deduction of one fourth part, it would be incumbent on him to issue any such note, he be, and he is hereby directed and empowered wholly to pay the same: *And provided, also,* that the Treasurer shall not include in any new note to be issued, the fractional parts of a dollar; but such fractional parts of a dollar shall be paid by him, in addition to the instalment of one fourth part provided to be paid as aforesaid.

Reservation of interest.

SEC. 3. *Be it further enacted,* That the Treasurer be, and he is hereby authorized to make sale of and

Sale of public
stock.

transfer the five certificates of new six per cent. stock, amounting to forty nine thousand, one hundred and one dollars, and fifty nine cents; together with the eight certificates of seven per cent. stock, amounting to seventy nine thousand and sixty seven dollars, which certificates of stock are in his hands; and that the proceeds thereof, together with all the money now in the hands of the Treasurer, or which may hereafter come into his hands, be appropriated to the purposes aforesaid, excepting such sums as may be necessary for defraying the expenses of the government, and such as have been, or may be otherwise appropriated by law.

[Approved by the Governor, February 14th, 1821.]

CHAP. LXIX.

An Act providing for the Payment of the whole State Debt.

Sale of public
stocks.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Treasurer of this Commonwealth be, and he is hereby directed and empowered to make sale of, and to assign the certificate of three per cent. stock, now in his possession, amounting to two hundred and forty nine thousand, seven hundred and sixty dollars and twenty cents; *provided*, the same shall not be disposed of at a less rate than seventy five dollars for every hundred dollars of said three per cent. stock.

Payment of pub-
lic debt.

SEC. 2. *Be it further enacted*, That if the Treasurer shall be able so to dispose of the three per cent. stock as aforesaid, before the first day of July next, he be, and he is hereby directed and empowered to pay off the remainder of the debt of this Commonwealth, or such part thereof as shall then appear unprovided for.

SEC. 3. *Be it further enacted*, That for the purpose of paying off said debt, in case said three per cent. stock shall be thus sold, the Treasurer be, and he is

hereby authorized to borrow of any bank corporation or individual, such sum, not exceeding one hundred and seventy thousand dollars, on the best terms he may be able to make, not exceeding the rate of five per centum per annum.

Power to borrow money.

[Approved by the Governor, February 14th, 1821.]

CHAP. LXX.

An Act to regulate the Passageway for Fish through the Canal Mill Dam, in Billerica, and for other purposes.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so long as there shall be kept and upheld, a dam across Concord River, in the Town of Billerica, where the mill dam of the proprietors of the Middlesex Canal now is situated, there shall be kept open at the usual place in said dam, a sluice or passage way for fish to pass up and down the river through said dam, from the first day of April to the twentieth day of May in each year; which sluice or passage way shall be constructed with a permanent mud sill, to be placed upon the bottom of the natural channel of said river, with permanent abutments and a cross timber at the top, not less than thirty inches above the mud sill, and shall not be less than fifteen feet in breadth, except only, when by reason of the falling of the water in said river, there shall not be more than twenty four inches of water above said mud sill, the said passageway, with the advice and consent of the Fish Wardens of Billerica, given in writing, may be diminished in proportion to the depth of the water; *provided, however,* that it shall never be reduced to a less breadth than six feet.

Sluice or passage way kept open.

SEC. 2. *Be it further enacted,* That so long as the said proprietors, occupant or person upholding said mill dam, shall cause to be kept open, a sluice or pas-

Penalties.

sageway for fish through said dam, of the dimensions aforesaid, and for the time aforesaid, neither of the said proprietors, or any tenant or occupant of said mills or mill dam, shall be liable to any penalty or prosecution whatever, by force of any act relative to the obstruction of the passage of fish up and down said river.

Repeal of part of former law.

SEC. 3. *Be it further enacted*, That the seventh section of an act, entitled "an act further regulating the fishery in the Merrimack River, and the streams running into the same," passed the eighteenth day of June, one thousand eight hundred and nineteen, be, and the same is hereby repealed.

[Approved by the Governor, February 14th, 1821.]

CHAP. LXXI.

An Act relating to the Eighth Massachusetts Turnpike Corporation.

Extension of former law.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the provisions of the second section of an act, entitled "an act in addition to an act entitled an act for establishing a corporation by the name of the Eighth Massachusetts Turnpike Corporation," passed the thirteenth day of February, in the year of our Lord one thousand eight hundred and nineteen, so far as they relate to the amount of toll taken by the said corporation, at their middle gate, be, and the same are hereby extended to the twentieth day of January next.

[Approved by the Governor, February 14th, 1821.]

CHAP. LXXII.

An Act regulating the Assessment and Collection of Taxes in the Town of Salem.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the inhabitants of the Town of Salem, at their meeting for the choice of Town Officers, annually, may elect three persons in each of the four wards of said town, to assist the Assessors in taking a list of the polls, in estimating the value of their personal property, and appraising the value of all real estates in said town; and the twelve persons thus chosen, shall, within twenty days after their election, meet and choose by ballot, three persons to serve the town in the office of Assessors, the ensuing year; which Assessors shall have the same powers, as are by law vested in Assessors chosen by other towns in this Commonwealth. And in case of the death, or resignation of any person, so chosen to assist the Assessors as aforesaid, the Selectmen of said Town of Salem are hereby empowered and directed to call a new meeting of the inhabitants, to choose a suitable person to supply the place of the person so dead or declining to serve.

Regulating the manner of estimating property

Assessors to be chosen.

Vacancies filled up.

SEC. 2. *Be it further enacted,* That from and after the passing of this act, the Selectmen, the Overseers of the Poor, and the Board of Health of the Town of Salem, shall annually, in the month of March or April, meet in convention in said Town of Salem, and elect by ballot, some suitable person to be Treasurer and Collector of taxes in said town, who, when chosen as aforesaid, shall have like powers, and be subject to like duties, in the execution of his said office, as other Town Treasurers and Collectors of taxes have, and are subject to by law, in this Commonwealth. And the said Town Treasurer or Collector shall continue in office one year, and until another person is chosen and qualified to execute said offices; and a record of the appointment shall be made by the Town Clerk of said Town of Salem, in the records of said town, kept by him.

Powers of Collectors.

Officers to give
bonds.

Powers of the
Convention.

Provide.

SEC. 3. *Be it further enacted*, That the said Town Treasurer and Collector, to be appointed as aforesaid, shall be sworn to the faithful discharge of his trust, and shall give bonds to the said Town of Salem, conditioned for the faithful performance of the duties of his said office, as the said Selectmen, Overseers of the Poor and Board of Health, met in convention as aforesaid, shall direct, previous to entering upon the duties of said office: *Provided, however*, that the said Selectmen, Overseers of the Poor, and Board of Health, shall never reappoint any person to said office of Town Treasurer and Collector of taxes, until such person shall have faithfully completed the execution of his duty in said office, to which he was appointed the year preceding, and a full and complete settlement of the taxes by him to have been received or collected, according to law, shall have been made, or he shall have been excused therefrom by a vote of said Town of Salem. And whenever by death, resignation, or otherwise, the said office of Town Treasurer and Collector shall be vacant, the aforesaid Selectmen, Overseers of the Poor, and Board of Health, shall be authorized to fill such vacancy in manner aforesaid, by a new appointment: *Provided*, that this act shall not have any effect until the same shall have been agreed to by the inhabitants of the Town of Salem, in town meeting assembled, for the purpose of acting on the same.

[Approved by the Governor, February 14th, 1821.]

CHAP. LXXIII.

An Act to annex James Ayer to the First Parish in Haverhill.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That James Ayer, with his poll and estate, be set off from the East Parish, and annexed to the Firsh Parish in Haverhill; *provided*, that the said James Ayer shall previously pay his

proportion of all taxes assessed upon him, in the said East Parish, before the passing of this act.

[Approved by the Governor, February 14th, 1821.]

CHAP. LXXIV.

An Act regulating the number and compensation of the Clerks in the Offices of the Secretary and Treasurer of the Commonwealth.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the first day of June next, the Secretary and Treasurer of this Commonwealth, shall each be authorized to employ in their respective departments, not more than two regular Clerks, who shall be paid for their services out of the treasury of this Commonwealth, as follows, to wit: ^{Number of Clerks.} The Chief Clerk of each department, twelve hundred dollars yearly, and the Assistant Clerks each nine hundred dollars yearly, and in the same proportion for any shorter term of time for which they may be employed; and the respective salaries aforesaid, shall be paid in quarterly payments; *provided*, that nothing in this act shall prevent the employment of a greater number of Clerks in either of said offices, whenever it shall be necessary, during any session of the General Court. ^{Compensation to Clerks.}

[Approved by the Governor, February 14th, 1821.]

CHAP. LXXV.

An Act to incorporate the President, Directors and Company of the Falmouth Bank.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Elijah Swift, Ward M. Parker, Thomas Swift, Shubael Lawrence, Brad-dock Dimmick, Nathaniel Lewis, Elisha P. Fearing, William Bodfish, Francis Weeks, and Weston Jenkins, their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the Falmouth Bank, and shall so continue from the sixth day of August next, until the first Monday of October, which will be in the year of our Lord one thousand, eight hundred and thirty one; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes, and provisions, and be entitled to the same rights, privileges, and immunities, which are contained in an act, entitled "an act to incorporate the President, Directors and Company of the State Bank," excepting so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act were herein specially recited and enacted: *Provided, however,* that the amount of bills issued from said bank, at any time, shall not exceed fifty per centum beyond the amount of the capital stock actually paid in.

Persons incor-
porated.Rights and priv-
ileges.

Proviso.

Capital Stock.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation, shall consist of the sum of one hundred thousand dollars in gold and silver, to be (besides such part as this Commonwealth may subscribe, in manner hereinafter mentioned,) divided into shares of one hundred dollars each, which shall be paid in four equal instalments: the first on or before the fifteenth day of August next, the second on or before the fifteenth day of November next, the third on or before the fifteenth day of June, eighteen hundred and twenty two, the fourth on or before the fifteenth day of

August, eighteen hundred and twenty two, or at such earlier time as the stockholders, at any meeting thereof, may order. And no such stockholder shall be allowed to borrow at said bank, until he shall have paid in his full proportion of the whole of said capital stock of one hundred thousand dollars; and no dividend shall be declared on the capital stock of said bank, until the whole of said capital stock shall have been paid in, conformably to the provisions of this act. And the stockholders at their first meeting, shall by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof, which being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherways determine. And the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain to them, their successors, and assigns, lands, rents, tenements, and hereditaments to the amount of ten thousand dollars, and no more, at one time; with power to bargain, sell, dispose, and convey the same by deed, under the seal of said corporation, and signed by the President, or two of the Directors; and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think advisable: *Provided, however,* that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage, or on execution, to any amount, as security for, or in payment of any debts due to the said corporation: *And provided, further,* that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars.

Conditions for
borrowing.

Transfer of stock.

May hold Real
Estate.

Loan of monies.

SEC. 3. *Be it further enacted,* That the said bank shall be established, kept, and transact their business at Falmouth; and five of the Directors thereof, at least, shall be inhabitants of Falmouth.

Location.

SEC. 4. *Be it further enacted,* That no more than three fourths of the Directors elected, who shall be in office at the time of an annual election, exclusive of the President, shall be elected for the next succeeding

Limitation of
office.

year; and no Director shall hold his office more than three years out of four, in succession, except the Director that is President at the time of an annual election, who may be reelected.

State loans.

Sec. 5. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth, any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter period, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum: *Provided, however*, that the Commonwealth shall never stand indebted to the corporation, without their consent, for a larger sum than twenty per centum of their capital actually paid in.

Proviso.

First Meeting.

SEC. 6. *Be it further enacted*, That the persons herein beforenamed, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at Falmouth, by advertising the same for one week, at three public places in said town, for the purpose of making, ordaining, and establishing such by-laws, ordinances, and regulations, as the said stockholders shall deem necessary, and for the choice of the first Board of Directors, and such other officers as they shall see fit to choose.

Commonwealth
may hold stock.

SEC. 7. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe on account of the Commonwealth, a sum not exceeding one half of the capital stock actually paid in, to be added to the capital stock of said corporation, subject to such rules, regulations, and provisions, as to the management thereof, as shall, by the Legislature, be made and established.

State Directors.

SEC. 8. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the Directors, by law, to be chosen by the stockholders, the Legislature shall have a right from time to time to appoint a number of Directors to said bank, in proportion as the sum paid from the

treasury of the Commonwealth shall bear to the whole amount of stock actually paid into said bank, if at any time hereafter, they shall see fit to exercise that right.

SEC. 9. *Be it further enacted*, That the Cashier, before he enters upon the duties of his office, shall give bond, with two sureties, to the satisfaction of the Board of Directors, in a sum not less than twenty thousand dollars, with conditions for the faithful discharge of his office. Cashier to give bonds.

SEC. 10. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay by way of tax to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of April and October, annually, the half of one per centum on the amount of stock which shall have been actually paid in. State Tax.

SEC. 11. *Be it further enacted*, That the said corporation shall be liable to pay to any bona fide holder, the original amount of any note of said bank, counterfeited, or altered in the course of its circulation, to a larger amount, notwithstanding such alteration: And that the said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay, or exchange any bill or note of said bank, or of any other bank, incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note. Counterfeits. Equality of exchange.

[Approved by the Governor, February 14th, 1821.]

CHAP. LXXVI.

An Act for altering the Names of the Union Cotton Factory Company, and the Brimfield Cotton and Woollen Manufacturing Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Union Cotton Factory Company, in Monson, County of Hampden, shall

Alteration of
name.

hereafter be called and known by the name of the Monson Manufacturing Company.

Title,

SEC. 2. *Be it further enacted*, That the Brimfield Cotton and Woollen Manufacturing Company, in Brimfield, in the County of Hampden, shall hereafter be called and known by the name of the Brimfield Manufacturing Company.

Legality of name

SEC. 3. *Be it further enacted*, That said manufacturing companies, shall, from and after the passing of this act, be known by the names which they are hereby respectively allowed to take, and that the same shall be considered as their proper corporate names.

[Approved by the Governor, February 14th, 1821.]

CHAP. LXXVII.

An Act further regulating the Essex Turnpike Corporation, and the Andover and Medford Turnpike Corporation.

Commissioners
to be appointed.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Governor be authorized and empowered to nominate and appoint, from time to time, on the application of the Proprietors of the Andover and Medford Turnpike Corporation, or of the Essex Turnpike Corporation, three Commissioners, who shall have the same powers and perform the same duties as are prescribed for the Commissioners mentioned in the act, passed the twenty seventh day of February, in the year of our Lord one thousand eight hundred and seven, entitled "an act in addition to sundry acts establishing and regulating the Essex Turnpike Corporation and the Andover and Medford Turnpike Corporation."

[Approved by the Governor, February 14th, 1821.]

CHAP. LXXVIII.

An Act concerning the Office of Attorney General and Solicitor General.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That whenever the office of Attorney General, or Solicitor General of this Commonwealth, shall be vacant by death, resignation, or otherwise, the salary annexed to the office, which shall first so become vacant as aforesaid, shall thenceforth cease and determine.

Expiration of
office.

[Approved by the Governor, February 14th, 1821.]

CHAP. LXXIX.

An Act to establish a Court of Common Pleas for the Commonwealth of Massachusetts.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be, and hereby is established, a Court of Common Pleas, for the Commonwealth of Massachusetts, and that there shall be held and kept in each county within the Commonwealth, at such times and places, as are now by law appointed for holding the Boston Court of Common Pleas, and the Circuit Courts of Common Pleas, within the respective counties of said Commonwealth, a Court of Common Pleas, which court shall be holden by one or more Justices of the Court of Common Pleas, who shall be a citizen of said Commonwealth, and shall be appointed and commissioned pursuant to the provisions of this act, and shall have original and exclusive jurisdiction of all civil actions, arising or happening within the counties of said Commonwealth,

Jurisdiction of
Court.

Judgment and
awards.

Proviso.

respectively, excepting such actions, wherein the Supreme Judicial Court, or where Justices of the Peace now have original jurisdiction; and shall also have jurisdiction of all such offences, crimes and misdemeanors, as, before the passing of this act, were cognizable by the Boston Court of Common Pleas, and the respective Circuit Courts of Common Pleas; and shall also have appellate jurisdiction of all civil actions and of all crimes and offences, where an appeal may now by law be made to the Boston Court of Common Pleas, and the Circuit Courts of Common Pleas, from the sentence or judgment of a Justice of the Peace. And the said Court of Common Pleas are hereby fully authorized to give judgment, award execution, administer all necessary oaths and affirmations, and to do, execute, perform and order, whatever by the constitution and laws, it shall be their duty to do, or whatever the Boston Court of Common Pleas, and the Circuit Courts of Common Pleas, before the passing of this act, were authorized to do, execute and perform; *provided*, nothing in this act shall be so construed as to affect the original or appellant jurisdiction given by law to the Municipal Court for the Town of Boston.

Qualification of
Judges.

Adjournments.

SEC. 2. *Be it further enacted*, That there shall be appointed, commissioned and qualified, in manner provided by the constitution, four meet persons to be Justices of the Court of Common Pleas within this Commonwealth, who shall be men of sobriety of manners, and learned in the law; one of whom shall be appointed and commissioned Chief Justice of said court, and who shall hold their office during good behaviour. And either of said Justices, so appointed, commissioned and qualified, shall have power to hold the Courts of Common Pleas, within any county in this Commonwealth, at the same times and places as the Boston Court of Common Pleas, and the several Circuit Courts of Common Pleas, are now by law to be holden therein. And whenever it shall so happen, that no Justice of said court shall attend, at the time and place, at which said court, by law, or by previous adjournment, was to have been held, then, and in such case, the Sheriff of the county may adjourn the said court, from day to

day, or time to time, as the circumstances of the case may require, and shall make public notification thereof, in writing, or by publishing the same in a newspaper printed in the county.

SEC. 3. *Be it further enacted,* That all writs and processes, issuing from the Court of Common Pleas, shall be in the name of the Commonwealth of Massachusetts, shall bear test of one of the Justices of said court; and such writs and processes shall be under the seal of said court, and signed by the Clerk of said court, in the county where the writ or process may be returnable; and shall have force, be obeyed and executed in every county within this Commonwealth; and all original processes shall be summons, *Summons.* *capias* or attachment, and shall be served and returned in the same way and manner as is now provided by law for the service and return of similar processes; and the forms of all processes and executious shall be so far altered and changed, as to conform to the provisions of this act.

SEC. 4. *Be it further enacted,* That any party aggrieved at the judgment of the Court of Common Pleas, in any real action, or in any personal action, wherein any issue has been joined, in which the debt or damages demanded, shall exceed the sum of one hundred dollars, may appeal therefrom, to the next Supreme Ju- *Appeals.* dicial Court, to be holden within and for the county where such judgment may be rendered; and the party so appealing, before such appeal be allowed, shall recognize with sufficient surety or sureties to the adverse party, in a reasonable sum, to prosecute his appeal to the court appealed to, and pay all such costs as may arise in any such suit after such appeal; and where any such appeal shall be made by any plaintiff, and he shall not recover more than one hundred dollars at the court appealed to, the plaintiff shall not recover any costs at the court appealed to, on such appeal; but the defendant shall be entitled to recover his costs against the plaintiff on such appeal, and shall have a separate *Separate judgments.* judgment therefor; and in case such appeal was made by the defendant, and, the debt or damages recovered on the original action, shall not be reduced on the appeal, the plaintiff shall be entitled to recover double costs of suit on the appeal, and have his judgment and

Proviso.

execution accordingly, and no execution shall issue on the judgment appealed from; and in case the party appealing, shall neglect to enter his appeal, the court appealed to may, upon complaint, proceed to render judgment upon such action, agreeably to the provisions of this act: *Provided, however*, that the court to which appeal is made, shall have power to set off such judgment as the defendant may recover against the judgment which the plaintiff may recover in said suit; and *provided, also*, that if the Supreme Judicial Court shall certify, that there was reasonable cause for such appeal made by the plaintiff, the plaintiff thereupon recover his costs of the appeal.

Exceptions.

SEC. 5. *Be it further enacted*, That it shall be lawful for either party, thinking himself or herself aggrieved by any opinion, direction, or judgment of said Court of Common Pleas, in any matter of law, to allege exceptions to the same, which exceptions being reduced to writing, in a summary mode, and being presented to the court, before the adjournment thereof, and found conformable to the truth of the case, shall be allowed and signed by the presiding Judge or Justice of said court, and thereupon all further proceedings in such action in said court shall be stayed, and the party making such exception shall enter such action at the Supreme Judicial Court, at the next term thereof for the same county, and shall produce there a copy of all the papers, as in case of appeal. And the said Supreme Judicial Court shall have cognizance thereof, and consider and determine the same action, in the same manner as they are authorized to do in respect to actions, on which questions of law are reserved in any of the modes prescribed by law, by any one Justice of the Supreme Judicial Court, and shall render judgment, and issue execution thereon, or may grant a new trial at the bar of said court, as law and justice shall require: *Provided*, that when any party alleging exceptions as aforesaid, shall fail to enter to the action at the first succeeding term of the said Supreme Judicial Court for the same county, and complaint thereof shall be made by the adverse party, as is provided in cases of appeal; or whenever the said Supreme Judicial Court shall determine, that any exceptions alleged in manner

New trials.

aforesaid, are frivolous, and intended only for delay, the said Supreme Judicial Court shall award double the costs of that court, against the party making the exceptions; but when the exceptions shall not appear to have been made for delay only, although they may by said court be deemed insufficient for arresting judgment, the said court shall, in such case, award only single costs against the party making the exceptions, and shall increase any damages recovered in the court, before which such exceptions were allowed, so as that interest, at the rate of six per centum per annum, be allowed to the time of rendering the final judgment.

Assessment of costs.

SEC. 6. *Be it further enacted,* That nothing in this act shall be construed to deprive any party of his or her right to a writ of error, for any error appearing of record in any action, or to prevent any party aggrieved by the opinion or judgment of said Court of Common Pleas, rendered upon any issue at law or case stated by any parties, and where it is not agreed that the decision of such court shall be final, from appealing therefrom to the Supreme Judicial Court, as heretofore: *Provided,* that no right shall be reserved or allowed, to wave the pleadings or statement of the case joined or made in said Court of Common Pleas; but the Supreme Judicial Court shall decide the cause upon the same pleadings or state of the case, upon which the judgment appealed from, was founded.

Writs of error.

SEC. 7. *Be it further enacted,* That in addition to the powers herein before enumerated, the said Court of Common Pleas shall have power, at the term at which any judgment in any action (wherein said court have final jurisdiction) is rendered, or at any subsequent term thereof, within one year from the rendition of any judgment, on petition or motion, first giving due notice thereof to the adverse party, to grant a new or further trial of any such action, for any cause for which, by the common law, a new trial may now be granted, or when, upon due examination, it shall appear to said court, that justice has not been done between the parties, upon such terms, restrictions and limitations as the said court may deem just and reasonable. And said Court of Common Pleas shall have power from time to time, to make and establish all such rules for

Rendition.

Entry of actions. the entry of actions, filing pleas in abatement, and demurrers to declarations, and for the orderly and well conducting the business thereof, as may be thought proper; *provided*, the same are not repugnant to the laws of the Commonwealth.

SEC. 8. *Be it further enacted*, That the Grand and Traverse Jurors now required to attend the Boston Court of Common Pleas, and the Circuit Courts of Common Pleas in the respective counties, shall be required to attend the Court of Common Pleas holden within the respective counties, in the same manner and under the same penalties, that they are now holden by law to attend the Boston Court of Common Pleas, and the Circuit Courts of Common Pleas; and shall give their attendance on such days of each term, as shall be directed by the Court of Common Pleas in each county, respectively, and the writs of *venire facias* shall issue accordingly.

SEC. 9. *Be it further enacted*, That all actions, suits, matters and things, which may be pending in the Boston Court of Common Pleas, and the several Circuit Courts of Common Pleas within this Commonwealth, and all writs, executions, warrants, recognizances, and processes returnable to, and which would have had day therein, had not this act been passed, shall, after this act shall take effect, be returnable to, and have day in, and be fully acted upon by the Court of Common Pleas created by this act, in the respective counties where the same may be now pending, or are made returnable. And all parties, jurors, witnesses and others, who would have been held to appear at the Boston Court of Common Pleas, and the Circuit Courts of Common Pleas, then next to be holden in this Commonwealth, after this act shall take effect, shall be holden to appear at the next Court of Common Pleas, created by this act, in their respective counties. And the said Court of Common Pleas, created by this act, shall in the counties respectively, have full power and authority to grant any executions, to carry into effect any judgment rendered in the Boston Court of Common Pleas, and the Circuit Courts of Common Pleas now in existence, in the same manner as said courts might, had not this act been passed.

SEC. 10. *Be it further enacted,* That the Chief Justice of said Court of Common Pleas, shall, during his continuance in office, receive from the treasury of this Commonwealth, in full for his services, the sum of ^{Salaries.} twenty one hundred dollars, annually, in equal quarterly payments; and the said Justices of said Court of Common Pleas, shall, during their continuance in office, receive from the treasury of the Commonwealth, in full for their services, annually, the sum of eighteen hundred dollars, each, in equal quarterly payments. And if either of said Justices of said Court of Common Pleas, shall accept of any office under the government of the United States, or of a seat in either branch of the Legislature of this Commonwealth, or of any office ^{Conditions of office.} under the government of the same, except the office of Justice of the Peace, or an office in the militia, his office of the Justice of the Court of Common Pleas, shall thereby be vacated; and it shall be the duty of the Governor, with the advice of the Council, to supply the vacancy in the manner before pointed out in this act.

SEC. 11. *Be it further enacted,* That all fees which have heretofore been paid to Justices of the Boston Court of Common Pleas, and the Circuit Courts of Common Pleas, shall hereafter be paid into the treasury of the Commonwealth, by the Clerks of the Court of Common Pleas; and the Clerks of the Boston Court of Common Pleas, and the Circuit Courts of Common Pleas, shall be the Clerks of the Courts of Common Pleas within their respective counties. ^{Deposit of Fees.}

SEC. 12. *Be it further enacted,* That the acts, entitled “an act establishing a Court of Common Pleas, within and for the County of Suffolk, to be styled the Boston Court of Common Pleas,” and “an act establishing Circuit Courts of Common Pleas, within this Commonwealth,” and all acts, and parts of acts, in addition thereto, be, and the same are hereby repealed. ^{Former acts repealed.}

SEC. 13. *Be it further enacted,* That this act shall take effect, and be in force, from and after the first day of August next: *Provided,* that the Governor, by and with the advice and consent of the Council, may ap- ^{Appointments.} point the Judges of the said Court of Common Pleas,

as soon after the first day of July next, as he shall see fit.

[Approved by the Governor, February 14th, 1821.]

CHAP. LXXX.

An Act to incorporate the Bedford Commercial Insurance Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Gideon Howland, Junior, William R. Rotch, John Howland, Junior, Cornelius Grinnell, Junior, and Samuel Borden, with their associates, successors, and assigns, be, and they hereby are incorporated into a company and body politic, by the name of the Bedford Commercial Insurance Company, with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties, and obligations, contained in a law of this Commonwealth, entitled "an act to define the powers, duties, and restrictions of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand, eight hundred and eighteen, and in a law of this Commonwealth, entitled "an act authorizing the several insurance companies in this Commonwealth, to insure against fire," passed on the twenty first day of February, in the year of our Lord one thousand, eight hundred and twenty, for and during the term of twenty years after the passing of this act; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and may have a common seal, which they may alter at pleasure; and may purchase, hold, and convey any estate, real or personal, for the use of said company; provided, the said real estate shall not exceed the value of fifteen thousand dollars, excepting such as may be taken for debt,*

Persons incorporated.

Title.

General powers.

May hold Real Estate.

or held for collateral security for money due to said company.

SEC. 2. *Be it further enacted*, That the capital stock Capital Stock. of said company shall be one hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per centum of which shall be paid in money within ninety days after the first meeting of the said company, and the residue in such instalments, and under such penalties as the President and Directors shall, in their discretion, direct and appoint. And the said capital stock shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the term of one year after the said company shall go into operation.

SEC. 3. *Be it further enacted*, That the stock, property, affairs and concerns of the said company, shall be managed and conducted by nine Directors, Directors. one of whom shall be President thereof, who shall hold their offices for one year, and until others are chosen, and no longer; and who shall, at the time of their election, be stockholders in said company, and citizens of this Commonwealth, and shall be elected on the second Monday of April, in each and every year, at such Meeting for election of Officers. time of the day, and in such place in the Town of New Bedford, as a majority of the Directors, for the time being, shall appoint; of which election, public notice shall be given by publication in some newspaper printed in New Bedford, ten days at least, previous to such meeting; and the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock; *provided*, that no stockholder shall be allowed more than ten votes; and absent Condition of votes. stockholders may vote by proxy, under such regulations as the said company shall prescribe. And if, through any unavoidable accident, the said Directors should not be chosen on the second Monday of April, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein provided. And it shall be the duty of the Secretary of said company, at any time, upon application, in writing, of the proprietors of twenty per centum of the capital stock, to Special Meetings call a meeting of the stockholders, to be holden at

such time and place in the Town of New Bedford, as they shall direct, for the purposes mentioned in such application, by giving like notice thereof, as is herein required for the election of Directors.

Term of office.

SEC. 4. *Be it further enacted*, That the Directors, when chosen, shall meet as soon as may be, after every election, and shall choose out of their body, one person to be President, who shall be sworn or affirmed, to the faithful discharge of the duties of his office, and who shall preside for one year; and in case of the death, resignation, or inability to serve, of the President or any Directors, such vacancy or vacancies shall be filled for the remainder of the year in which they happen, by a special election for that purpose, to be held in the same manner herein before directed, respecting annual elections of Directors.

By-Laws, &c.

Transfer of Shares.

Proviso.

SEC. 5. *Be it further enacted*, That the President and four of the Directors, or five of them in his absence, shall be a Board competent to the transaction of business, and all questions before them, shall be decided by a majority of votes; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks, and servants employed, and the election of Directors, and all such matters as appertain to the business of insurance; and also shall have power to appoint a Secretary, and so many clerks and servants for carrying on the said business, and with such salaries and allowances to them, and to the President, as to the said board shall seem meet: *Provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

First Meeting.

SEC. 6. *Be it further enacted*, That any two or more of the persons named in this act, are hereby authorized to call a meeting of the said company, by advertising the same in some newspaper printed in New Bedford, in two successive papers, for the purpose of electing their first Board of Directors, who shall continue in office until the second Monday of April, in

the year of our Lord one thousand eight hundred and twenty two, and until others shall be chosen in their stead: *Provided, however*, that this charter shall be void and of no effect, unless put into operation agreeably to the terms of it, within one year from and after the passing of this act; *and provided, also*, that the said company shall not take any risque, or subscribe any policy by virtue of this act, until one hundred thousand dollars of the capital stock of said company shall have actually been paid in.

SEC. 7. *Be it therefore enacted*, That the said company shall never take, on any one risque, or loan, on respondentia or bottomry, on any one bottom, at any one time, including the sum insured, in any other way, on the same bottom, a sum exceeding ten per centum on the capital stock of said company actually paid in, agreeably to the provisions of this act.

Limitation of
risques.

[Approved by the Governor, February 15th, 1821.]

CHAP. LXXXI.

An Act in further addition to the act incorporating the
Boston Library Society.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Boston Library Society be, and is hereby authorized to hold its annual and other meetings, for the purpose of choosing officers, laying assessments, and transacting such other business as may regularly come before it, at such times as the said society, by any by-law or vote, regularly made and passed, may from time to time fix and appoint; any thing in the act incorporating said society, or in any act in addition thereto, to the contrary notwithstanding.

Annual Meeting.

General powers.

[Approved by the Governor, February 15th, 1821.]

CHAP. LXXXII.

An Act to exempt certain Officers of the Massachusetts General Hospital from Militia Duty.

Exemptions.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the Superintendants, and other Officers and Assistants, employed in, and about any department of the Massachusetts General Hospital, not exceeding the number of four in each department, during the time of such employment, be, and they hereby are absolutely exempted from militia duty, notwithstanding they may have arrived at the age of eighteen, and be under the age of forty five years.

[Approved by the Governor, February 15th, 1821.]

CHAP. LXXXIII.

An Act to incorporate the Hampshire, Franklin and Hampden Mutual Fire Insurance Company.

Persons incorporated,

SEC. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Samuel Hinkley, Joseph Lyman, Isaac Damons, Ebenezer M. Wright, Jonathan Dwight, Junior, James Bull, Theodore Lyman, Ebenezer Hunt, David S. Whitney, Solomon Stoddard, Junior, Daniel Stebbins, Isaac C. Bates, Samuel Howe, James Shepherd, Erastes Smith, 2d, Lewis Strong, Josiah D. Whitney, and Jonathan H. Lyman, and their associates, and successors, together with all other persons, within the Counties of Hampshire, Franklin and Hampden, who may become members thereof, be a corporation, under the name of the Hampshire, Franklin and Hampden Mutual Fire In-

insurance Company, and have and enjoy all the privileges and powers incident to corporations.

SEC. 2. *Be it further enacted*, That for the well ordering and governing of the said corporation, they shall, at a meeting of the said company, to be held annually, on the first Wednesday of October, choose Annual Meetings five Directors, and such other officers as may be deemed necessary for conducting the business of the said corporation, and any three of the said Directors may constitute a quorum for the doing of business.

SEC. 3. *Be it further enacted*, That the said company be, and hereby are empowered to insure against loss or damage by fire, originating from any cause, except design in the insured, any dwelling house or other building, with their contents, within either of the Counties of Hampshire, Franklin or Hampden, for any term, not less than one, nor more than seven years, and to any amount not exceeding four fifths of the value of the property insured by the said company. The sum Limitation of insurance. which the insured may have a right to claim, shall be assessed by the Directors, upon each member of the company, in proportion to the sum by each member insured, or made liable to contribute to losses.

SEC. 4. *Be it further enacted*, That every person shall be deemed and held to be a member of this corporation, who has an interest in any property insured by said person, with the company; but his or her right shall cease, whenever the said member parts with his or her legal or equitable interest in the property insured; and his or her liabilities shall be at an end, Liabilities. whenever the said member notifies in writing to the Directors, that he or she has no longer any interest in the property insured by the company: *Provided, how-* Proviso. *ever*, that the rights and liabilities of every member shall devolve on the heirs, executors and administrators of such member.

SEC. 5. *Be it further enacted*, That whenever any loss by fire shall happen to a member, upon any property insured by the said company, the said member shall give notice thereof to the Directors, or any one of them, within forty eight hours after the same happens; and the said Directors shall immediately view the same, and determine in writing, signed by their

Estimate of loss-
es.

Proviso.

Liability of
members.

names, the extent of the liabilities of said company ; and if the sufferer will not acquiesce in their determination, he or she may bring an action at law against the said company, at the first court competent to try the same, sitting within either of the Counties of Hampshire, Hampden, or Franklin ; and if the said sufferer does not recover more than the amount determined upon by the Directors as aforesaid, said member shall become nonsuit, and the company shall recover their costs ; *provided, however*, that the said judgment shall not bar the said sufferer from claiming the amount determined to be due to him by the Directors as aforesaid, within thirty days from the said nonsuit ; but if the said member suffering, shall recover more than the amount determined by the Directors as aforesaid, judgment shall be entered up in his favor for the whole sum found by the verdict, with interest, at the rate of twelve per centum per annum, added thereto, with full costs ; but execution shall never issue against the said company.

SEC. 6. *Be it further enacted*, That whenever any member shall have a claim upon the several members of the company, in case of any loss or judgment as aforesaid, the Directors shall assess the amount of such loss or judgment, together with a reasonable compensation for themselves, and other officers of the company, upon each and every member thereof, according to their respective liabilities, requiring each member to pay his or her proportion of the loss or judgment as assessed upon them, with interest on demand, to the person who has a claim as aforesaid, or to his or her agent or attorney ; and such bill of assessment, being signed by a major part of the Directors, and countersigned by the Secretary, and delivered to the claimant, within twenty days after his or her claim is liquidated, either by agreement of the parties, or judgment of the court, shall operate a complete discharge of the company as such, and a release of any judgment which the claimant may have against it ; *provided*, that the claimant first pay the charges of making up the assessment, and discharge the company from any claim or judgment, he or she may have against it.

SEC. 7. *Be it further enacted*, That in case the

Directors, whose duty it may be, neglect to tender a bill of assessments, in the cases contemplated by the foregoing sections, in the manner therein prescribed; or in case the Directors neglect to determine the loss of any party claiming, then any party aggrieved thereby, may, at any time within one year from the time of such neglect of the Directors, bring an action against such delinquent Directors, or sue a writ of *scire facias* against them, upon the judgment which the said party may have against the company, and have judgment and execution against said delinquent Directors, in their individual capacity; and in this case, the said delinquent Directors shall be entitled to demand and have of the Directors, for the time being, within thirty days after judgment against them as aforesaid, a bill of assessment in their favor, and for their reimbursement in the form prescribed by this act; but neither the cost of the judgment or execution shall be assessed for them.

Delinquency of
Directors.

SEC. 8. *Be it further enacted*, That every bill of assessment, authenticated in the manner herein prescribed, shall confer upon the party in whose favor it shall be made, and the heirs, executors and administrators of such party, authority in their own names, to collect, sue for, and discharge each and every person made liable thereby: *Provided, however*, that no action shall be commenced against any person whatever, until sixty days after demand made in virtue of said bill of assessment.

Liability of heirs.

SEC. 9. *Be it further enacted*, That the Directors shall determine the nature and hazard of all risks, and all those which may be deemed more hazardous than ordinary, shall contribute to losses upon a larger sum than that at which they are actually insured; and the sum upon which the insured is to contribute, shall be distinguished in the policy, from the sum on which insurance is made.

Hazards.

SEC. 10. *Be it further enacted*, That if any member of the said company do insure any property insured by the said corporation, with any other individual or insurance company, without the consent of the Directors of this company, such member shall forfeit his or

Forfeitures.

her insurance in this corporation, but shall not be exonerated from the liabilities to contribute to losses.

First Meeting.

SEC. 11. *And be it further enacted*, That any two of the associates herein aforementioned, may, as soon as they may deem proper, call a meeting of the said corporation, to be held at such time and place as they may judge most convenient, by a notification in the newspaper printed at Northampton, seven days before the time of holding such meeting, in order that the said corporation may organize themselves, make suitable by-laws, and proceed in the business of their association.

[Approved by the Governor, February 15th, 1821.]

CHAP. LXXXIV.

An Act in addition to an Act, entitled "An Act to establish a Court of Common Pleas for the Commonwealth of Massachusetts."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the respective Clerks of the Courts of Common Pleas within this Commonwealth, shall, within ten days next after the termination of each session of said court within their respective counties, account for, on oath, and pay over to the Treasurer of said county, all the fees which shall have accrued to the use of this Commonwealth, in said county, by virtue of the eleventh section of the act passed at the present session of the General Court, entitled "an act to establish a Court of Common Pleas for the Commonwealth of Massachusetts;" and the respective County Treasurers shall be held to account with the Treasurer of this Commonwealth for all sums received by them, by virtue of this act.

SEC. 2. *Be it further enacted*, That if any Clerk shall refuse or neglect to account for, and pay over the fees aforesaid, in manner and within the time afore-

said, he shall forfeit and pay, in addition to the fees so accrued as aforesaid, a penalty not exceeding the sum of five hundred dollars, to be sued for and recovered by the County Treasurer, for the use of this Commonwealth. And the respective County Treasurers shall also give information to the Justices of the Supreme Judicial Court, or to some one of them, of any such delinquency or neglect within their respective counties.

[Approved by the Governor, February 15th, 1821.]

CHAP. LXXXV.

An Act to transfer the duties of the Quarter Master General to the Adjutant General, and to reduce the compensation of certain Officers therein named.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of April next, all the duties and services, which are now by law to be executed and performed by the Quarter Master General, shall be executed and performed by the Adjutant General, and all compensation to the said Quarter Master General shall cease from that period. And from and after the first day of May next, the said Adjutant General shall not be allowed to employ in his office, more than one Clerk, or Assistant; and the said Adjutant General shall receive the same sum for performing the duties as principal of both of said offices, as is now allowed him by law; and his said Clerk or Assistant, shall receive from the treasury of the Commonwealth, in full for his services, the sum of twelve hundred dollars annually, in equal quarterly payments. And it shall be the duty of the Quarter Master General to make or cause to be made, a just and true inventory of all public property, of whatever name or description, confided to him in his

Union of Offices.

Salaries.

Return of public property.

said capacity, and to deliver over to the Adjutant General, all such property, before the last day of March, in the present year, together with all books, papers and documents whatsoever, pertaining to the office of Quarter Master General. And the said Adjutant General is hereby required to receive all such property, books, papers and documents; and is further required to lay before the next Legislature, at the first session thereof, a just and true inventory of all public property which he shall so receive, and of the place or places in which the same property is deposited and kept.

Pay of Aids-de-Camp.

SEC. 2. *Be it further enacted*, That from and after the first day of May next, the several Aids-de-Camp to the several Major Generals shall each annually receive, as a full compensation for his services while in office, a sum not exceeding fifteen dollars; his account for such services being first presented to, and allowed by the General Court.

[Approved by the Governor, February 16th, 1821.]

Commonwealth of Massachusetts.

SECRETARY'S OFFICE....April 2, 1821.

BY THIS I CERTIFY, That the acts contained in this Pamphlet, passed at the session of the Legislature, beginning January 10th, and ending February 15th, 1821, have been compared with the originals in this Office, and appear to be correct.

A. BRADFORD,

Secretary of the Commonwealth.

LAWS

PASSED BY THE LEGISLATURE, AT A SESSION

IN APRIL.....1821.

CHAP. LXXXVI.

An Act to grant to the United States, Pond Island,
in Maine.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all the right and claim to a portion of the soil of Pond Island, off the mouth of Kennebeck River, in the State of Maine, which this Commonwealth may have, be granted to the United States of America, for the purpose of erecting a Light House on the same. Conveyance of Pond Island.

[Approved by the Governor, April 28th, 1821.]

CAAP. LXXXVII.

An Act in addition to an Act providing for the payment of the whole State Debt.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That if the Treasurer of this

Commonwealth shall make sale of the certificate of three per cent. stock, amounting to two hundred and forty nine thousand, seven hundred and sixty dollars, and twenty cents, before the first day of July next, and shall proceed to pay off the whole State Debt, as is provided by the act passed on the fourteenth day of February, in the year of our Lord one thousand eight hundred and twenty one, to which this is in addition, the interest on said State Debt shall cease after the first day of July next: *Provided*, the Treasurer shall give thirty days' notice thereof, in the newspapers in which the laws of this Commonwealth are published.

[Approved by the Governor, April 28th, 1821.]

CHAP. LXXXVIII.

An Act concerning Grand and Traverse Jurors for the County of Hampshire.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That whereas, owing to the decease of the late Clerk of the Courts for the County of Hampshire, a vacancy existed in that office at the time proper by law for the issuing of writs of *Venire Facias* for the Grand and Traverse Jurors to attend the next term of the Supreme Judicial Court to be holden at Northampton, within and for the county aforesaid, on the first Tuesday of May next; the writs aforesaid, which have been since issued for the purpose aforesaid by the present Clerk of the courts in said county, shall be taken and deemed to have been duly and legally issued, any law, custom or usage to the contrary notwithstanding.

Writs of Venire
Facias.

[Approved by the Governor, April 28th, 1821.]

CHAP. LXXXIX.

An Act to authorize a Special Term of the Court of Sessions for the County of Hampshire.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Justices of the Court of Sessions for the County of Hampshire, be, and they are hereby authorized, to hold a term of said court on the third Tuesday of May next, for the purpose of opening and comparing the returns of votes from the several towns in said county for a Register of Deeds; and the same proceedings shall be had as are now authorized by law at any regular term of said court.

Extra Term of
Court of Sessions.

[Approved by the Governor, April 28th, 1821.]



LAWS

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, THE THIRTIETH
OF MAY, AND ENDED ON SATURDAY, THE SIXTEENTH OF JUNE, ONE
THOUSAND EIGHT HUNDRED AND TWENTY ONE.

CHAP. I.

An Act in addition to an Act, entitled "An Act to
incorporate the Trustees of Hopkins Academy."

SEC. 1. **BE** *it enacted by the Senate and House of
Representatives, in General Court assembled, and by
the authority of the same,* That the number of the
Trustees of Hopkins Academy, and their successors,
shall not, at any one time, be more than fifteen, nor
less than five; and a majority of the whole number,
for the time being, shall constitute a quorum for trans-
acting business; and a majority of the members pre-
sent at a legal meeting, shall decide all questions
proper to come before the Trustees.

Limited number
of Trustees.

SEC. 2. *Be it further enacted,* That the fifth section
of the act, entitled "an act to incorporate the Trustees
of Hopkins Academy," be, and the same is hereby
repealed.

Section of act re-
pealed.

[Approved by the Governor, June 9th, 1821.]

CHAP. II.

An Act regulating the Assessment of Taxes in the Town of Salem.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the inhabitants of the Town of Salem may, at their meeting for the choice of town officers, or at any other meeting called for that purpose, annually elect twelve persons, to wit: three from each of the four wards of said town, to assist the Assessors in taking a list of the polls, in estimating the value of their personal property, and appraising the value of all real estates in said town. And in case of the death or resignation of any person, so chosen to assist the Assessors, the Selectmen of said town are hereby required to call a new meeting of the inhabitants, to choose a suitable person to supply the vacancy.*

Choice of Assessors.

SEC. 2. *Be it further enacted, That said inhabitants may, at any time previous to choosing said Assistant Assessors, vote that they shall be chosen for that year in distinct wards; in which case, the said wards shall be separately assembled, within twenty days afterwards, as follows, viz.: The Town Clerk shall issue a warrant for each ward, directed to one of the Constables, and requiring him to notify and warn the inhabitants of that ward, qualified to vote in town affairs, to assemble at the time and place therein specified, to choose a Moderator and Clerk, and also three persons to be Assistant Assessors. And the several Ward Clerks shall, within two days after such meetings, make return to the Town Clerk, in writing, of the names of the Assessors so chosen; and they shall thereupon be notified of their choice in the same manner as other town officers; and in case of the death or resignation of any of them, a new ward meeting shall be called in like manner, to fill the vacancy.*

Regulations of Meetings.

Vacancies may be filled.

SEC. 3. *Be it further enacted, That the act passed at the second session of the last General Court, entitled "an act regulating the assessment and collection*

of taxes in the Town of Salem, be, and hereby is re-
pealed. Old act repealed.

[Approved by the Governor, June 11th, 1821.]

CHAP. III.

An Act to alter the time for holding the Court of
Sessions in the County of Franklin.

BE *it enacted by the Senate and House of
Representatives, in General Court assembled, and by
the authority of the same, That from and after the
passing of this act, the term of the Court of Sessions,* Annual Courts.
*now by law established to be holden at Greenfield,
within and for said County of Franklin, on the first
Tuesday of September, shall be holden on the second
Tuesday of September, annually, any law to the con-
trary notwithstanding.*

[Approved by the Governor, June 11th, 1821.]

CHAP. IV.

An Act to incorporate the Essex Historical Society.

SEC. 1. BE *it enacted by the Senate and House of
Representatives, in General Court assembled, and by
the authority of the same, That Edward Augustus
Holyoke, of Salem, in the County of Essex, Doctor* Persons incorpo-
rated.
*of Medicine, and such other persons as have associat-
ed, and may hereafter associate themselves with him,
for the purpose of collecting and preserving materials
for the civil and natural history of the said County of
Essex, be, and they hereby are made a body corpor-
ate and politic, by the name of the Essex Historical
Society; and by that name, they and their successors* General powers.

May hold personal estate.

May sell lands or other property.

May elect Officers.

Location.

may sue and be sued, and shall be capable in law, to take and hold in fee simple or otherwise, lands, tenements, rents and hereditaments, not exceeding in the whole, the yearly value of two thousand dollars, exclusive of the building or buildings which may be actually occupied for the purposes of the said corporation; and they shall also be capable in law, to take, receive, and hold personal estate, to an amount, the yearly value of which, shall not exceed the sum of two thousand dollars, exclusive of the books, papers, memorials, and other articles composing the library and cabinet of the said corporation; and they shall also have power to sell, demise, exchange, or otherwise dispose of all, or any part of their lands, tenements, rents, hereditaments and other property aforesaid, for the benefit of the said corporation, and shall also have a common seal, which they may break, alter and renew at their pleasure, and shall also have power to make by-laws, with suitable penalties, not repugnant to the laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That the said corporation shall have power, from time to time, as they may think fit, to elect a President and such other officers as they shall judge necessary; and at their first meeting, they may agree upon the manner of calling future meetings, and proceed to execute all or any of the powers vested in them by this act.

SEC. 3. *Be it further enacted*, That the library and cabinet of the said corporation, shall be kept in the Town of Salem, aforesaid.

SEC. 4. *Be it further enacted*, That the said Edward Augustus Holyoke be, and hereby is authorized to notify the said first meeting of the said corporation, by an advertisement thereof, under his hand, for seven days before such meeting, in any newspaper printed in Salem, aforesaid.

[Approved by the Governor, June 11th, 1821.]

CHAP. V.

An Act to incorporate the Munson and Brimfield Manufacturing Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Munson Manufacturing Company, and the Brimfield Manufacturing Company, in the County of Hampden, be, and hereby are united, and shall hereafter constitute one corporation, under the name of the Munson and Brimfield Manufacturing Company. Union of Companies.

SEC. 2. *Be it further enacted,* That the said Munson and Brimfield Manufacturing Company shall be, and they hereby are made liable for all debts and claims which may exist against either the Munson Manufacturing Company, or the Brimfield Manufacturing Company, at the time of the passing of this act. Liability.

[Approved by the Governor, June 12th, 1821.]

CHAP. VI.

An Act in addition to an Act, entitled "An Act to incorporate the President, Directors and Company of the Bedford Commercial Bank."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the capital stock of the President, Directors and Company of the Bedford Commercial Bank, shall be increased the sum of fifty thousand dollars, in addition to the sum of one hundred thousand dollars, which the said corporation is directed to hold, by the act, entitled "an act to incorporate the President, Directors and Company of the Bedford Commercial Bank;" and shall be divided Increase of Stock.

Shares.

into shares of one hundred dollars each, any thing in the act aforesaid, to the contrary notwithstanding.

Limitation of
time for paying
in Stock.

SEC. 2. *Be it further enacted*, That the sum which shall be added to the capital stock of said corporation, by virtue of this act, shall be subscribed and paid in, in gold and silver under the control of the Directors, for the time being, within one year from the first day of July next; *provided*, that the said corporation shall not loan any money, or discount any bills on the additional capital hereby authorized, until they shall have produced satisfactory evidence to the Governor and Council, that the said additional sum of fifty thousand dollars has been paid in, and actually exists in gold and silver in their vaults; *and provided, also*, that all the provisions, rules, and regulations of the act incorporating the President, Directors and Company of the Bedford Commercial Bank, shall extend to the additional capital hereby authorized.

[Approved by the Governor, June 12th, 1821.]

CHAP. VII.

An Act to incorporate the Third Centre School District, in the Town of Billerica.

School Gift.

Whereas Josiah Crosby, late of said Billerica, deceased, by his last will and testament, did give and bequeath to the said district, (by the name of the South School Ward,) three hundred dollars, to be, by the inhabitants thereof, appropriated for the use of the school, in such manner, and under such limitations as in said will are specified :

SEC. 1. *BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the inhabitants of the said Third Centre School District, according to the limits now established by said Town of Billerica, be, and they hereby are incorporated into a body pol-

itic, by the name of the Third Centre School District in the Town of Billerica; and that the said inhabitants and their successors, by that name, shall remain a body corporate and politic forever, with power to have a common seal, and to sue and be sued by the name aforesaid. General powers.

SEC. 2. *Be it further enacted*, That the said district shall have power to choose a Clerk and Treasurer, and such other officers as may be necessary, and to establish and ordain such rules, regulations and by-laws, as they may think proper for the orderly management of their school, and also for securing and managing the said legacy, conformably to the terms upon which the same was given; and also all such sums of money, and other property, as may hereafter be given them; and such proportion of the monies granted from time to time by the said Town of Billerica, as the said district shall be entitled to receive; *provided*, said rules, orders, and by-laws, be not repugnant to the laws of the Commonwealth; *and provided, also*, that nothing in this act contained shall be construed to take from the Town of Billerica the right they have by law to alter the limits of said district, in the same manner that they may any other district in said town. Officers to be chosen. By-Laws.

SEC. 3. *Be it further enacted*, That Samuel Whiting, Esquire, of said Billerica, be authorized to issue his warrant to some suitable person in said district, to notify and warn a meeting of such of the inhabitants of the same as are qualified by the constitution to vote in state elections, to meet at the School House in said district, at such time as he shall think proper, to choose the necessary officers, agree upon the manner of calling future meetings, and transact such other business as may be duly inserted in said warrant; and no other person but those qualified as aforesaid, shall be allowed to vote at any meeting of said district. First Meeting. Qualified Voters.

[Approved by the Governor, June 14th, 1821.]

CHAP. VIII.

An Act to incorporate the Salt Manufacturing Company, on Billingsgate Island, in Barnstable Bay.

Persons incorporated.

Powers and privileges.

Limitation of Real Estate.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Elijah Cobb, Isaac Foster, Junior, and David Snow, of Brewster, and Josiah Whitman, of Wellfleet, with such other persons as already have, or may hereafter associate with them, their successors and assigns, be, and hereby are made a corporation, by the name of the Salt Manufacturing Company, for the purpose of erecting salt works, flakes for curing fish, and such other improvements as may be found expedient, on Billingsgate Island, in Barnstable Bay; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations."

SEC. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of such real estate, not exceeding ten thousand dollars, and such personal estate, not exceeding fifty thousand in value, as may be necessary and convenient for carrying on the manufactory aforesaid.

[Approved by the Governor, June 14th, 1821.]

CHAP. IX.

An Act to incorporate the Boston Fuel Savings Institution.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Josiah Quincy, John

Cheverus, William Ellery Channing, Henry Ware, Samuel Adams Wells, John Ware, Samuel H. Wal-
 ley, John Tappan, Benjamin Guild, Samuel Dorr, Thomas B. Wales, Edward Phillips, Francis J. Oliver, Benjamin Whitman, Edmund Winchester, Edward Oliver, Benjamin Russell, Samuel Snelling, James Savage, Gideon Snow, Thomas Vose, Gedney King, Nathan Webb, Ebenezer Parker, Nathan Hale, Henry Purkitt, William Howe, Thomas Howe, Benjamin Greene, Joshua P. Blanchard, Pliny Cutler, Barzillai Holmes, Edmund Wright, Junior, Francis Green, Thomas Jackson, John Thayer, Henry D. Gray, Joseph Lewis, James Davis, Peter McIntosh, Junior, Nathaniel G. Snelling, Henry Homes, John C. Proctor, Jonathan Ingalls, John D. Dyer, David Hale, Junior, Joshua Emmons, John Baker, Josiah Stedman, Moses Grant, and Henry J. Oliver, together with such others as may hereafter associate with them, and their successors, be, and they hereby are incorporated, by the name of the Boston Fuel Savings Institution; and by that name shall be a corporation forever, for the purpose of purchasing wood for the poor; with power to have a common seal, to receive any sum or sums from persons disposed to enjoy the advantages of said institution, to make contracts relative to the objects thereof, to sue and be sued, to establish by-laws and orders for the regulation of said institution, and the preservation and application of its funds; *provided*, the same be not repugnant to the constitution and laws of this Commonwealth; and to take and hold real and personal estate, not exceeding the sum of ten thousand dollars in value.

Persons incorporated.

SEC. 2. *Be it further enacted*, That said corporation shall annually meet in Boston, at such time and place, as they may from time to time appoint, for the purpose of electing, by ballot, such officers as they may think proper, who shall hold their respective offices for one year, and until others shall be elected and qualified in their stead; with such powers and duties as may be prescribed by the by-laws of said corporation.

General powers.

SEC. 3. *Be it further enacted*, That any two of the persons above named, be, and they hereby are authorized to call the first meeting of said corporation, by

Appointment of Officers.

First meeting.

advertisement printed in any newspaper published in the Town of Boston, at least seven days before the time appointed for such meeting.

[Approved by the Governor, June 15th, 1821.]

CHAP. X.

An Act to prevent the destruction of Birds on Salt Marshes, at particular times of the year.

Protection of
Birds.

Fines.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That hereafter it shall not be lawful for any person to take, kill or destroy any birds, on any salt marshes within this Commonwealth, between the first day of March and the first day of September, in each and every year; and if any person, within the limits of any town, that shall not dispense with the regulations of this act, in the manner hereafter provided, do shoot, take, kill, or sell after being killed, or taken, any of the birds aforesaid, within the times limited as aforesaid, respectively, he shall forfeit and pay, for each and every offence, two dollars; and all forfeitures incurred as aforesaid, may be recovered by any person who will sue for the same, within one year after the time of committing the offence, to be to his own use, in an action of debt in any court, having jurisdiction of the amount demanded: *Provided, however,* that nothing in this act shall go to prevent any owner or occupant of land from taking or killing any birds on the land so held by him.

Authority of
TOWNS.

SEC. 2. *Be it further enacted,* That the inhabitants of any town in the Commonwealth may, at their annual meeting in March or April in any year, by vote, suspend the operation of the prohibitions and restrictions contained in this act, in whole or in part, within such town, and for such term of time, not exceeding one year, as to them shall seem expedient.

[Approved by the Governor, June 15th, 1821.]

CHAP. XI.

An Act to incorporate the Society for Employing the Female Poor.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Elizabeth Munroe and her associates, and those who may become associated with her, be, and hereby are incorporated into a society, by the name of the Society for Employing the Female Poor; and by that name, they shall be a corporation forever; with power to sue and be sued, to have a common seal, and the same to alter at pleasure; to take, hold and possess any estate, real or personal, by gift, grant, purchase, devise or otherwise; and the same to improve, lease, exchange, or sell and convey for the benefit of the said society: *Provided*, that the value of the real estate of said society shall never at any one time, exceed twenty thousand dollars; and the annual income of the whole estate of said society shall not exceed ten thousand dollars.

Persons incorporated.

General powers.

Proviso.

SEC. 2. *Be it further enacted*, That the said society shall meet annually in Boston, at such time as by their by-laws shall be designated, and elect a President, Secretary, Treasurer, and such a number of Trustees, as the society shall from time to time think fit, who shall hold their respective offices one year, and until others are chosen.

Election of Officers.

SEC. 3. *Be it further enacted*, That for the better management of their funds, and to enable the society to accomplish the object of their association, they may make, and, at their pleasure, alter any by-laws which they may think necessary, which shall be binding as if they were a part of this act: *provided, however*, that such by-laws shall not be repugnant to the constitution and laws of this Commonwealth.

Government of the Society.

SEC. 4. *Be it further enacted*, That the said Elizabeth Munroe be, and she hereby is authorized to call the first meeting of said society, by giving public notice of the time and place of meeting, by advertising

First Meeting.

the same in one or more of the newspapers printed in Boston, at least three days before the time of the meeting; and at such meeting, the society may be organized under this act, and the officers herein provided for may be chosen to serve until the annual election of officers, agreeably to the provisions of this act.

[Approved by the Governor, June 15th, 1821.]

CHAP. XII.

An Act to establish the Town of North Bridgewater.

Separation.

Powers and privileges.

Liquidation of Taxes.

Town property.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all that part of the North Parish of Bridgewater, which lies within the said Town of Bridgewater, according to the present territorial limits thereof, be, and hereby is established as a separate town, by the name of North Bridgewater; and the inhabitants of the said Town of North Bridgewater are hereby vested with all the powers and privileges, and shall also be subject to all the duties and requisitions of other corporate towns, according to the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That the inhabitants of the Town of North Bridgewater shall be holden to pay the arrears of all state, county and town taxes, which have been legally assessed upon them, together with their proportion of all debts due from the said Town of Bridgewater, prior to the date of this act. And the said Town of North Bridgewater, shall be entitled to receive their proportion of the said debts and taxes due to the said Town of Bridgewater, when collected and paid into the treasury of said town; and the said Town of North Bridgewater shall be entitled to hold their proportion, according to the present valuation of all the real and personal property belonging to the Town of Bridgewater, before the passing of this act.

SEC. 3. *Be it further enacted*, That the said Town

of North Bridgewater shall be holden to support their proportion of the poor of the Town of Bridgewater, Support of Poor. which are now chargeable to said town; which proportion shall be ascertained by the present valuation of the town; and all persons who may hereafter become chargeable as paupers, to the said Towns of Bridgewater or North Bridgewater, shall be considered as belonging to that town on the territory of which they had their settlement, at the time of the passing of this act, and shall in future be chargeable to that town only.

SEC. 4. *Be it further enacted*, That all future state and county taxes, which may be levied on the said Towns of Bridgewater and North Bridgewater, previous to a new valuation, shall be assessed and paid in the same proportion as they now are according to the present valuation. Town Taxes.

SEC. 5. *Be it further enacted*, That any Justice of the Peace for the County of Plymouth, is hereby empowered, upon application therefor, to issue a warrant directed to a freehold inhabitant of the said Town of North Bridgewater, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at such convenient time and place as shall be appointed in the said warrant, for the choice of such officers, as towns are, by law, required to choose and appoint at their annual town meetings. First Meeting.

[Approved by the Governor, June 15th, 1821.]

CHAP. XIII.

An Act in addition to an Act, entitled "An Act to incorporate the Protestant Episcopal Parish of St. James' Church, in Greenfield."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, the Protestant Episcopal Parish of St. James' Church, in Greenfield, shall have power to

May purchase &
hold real estate.

purchase and hold real estate, not exceeding ten acres of land, and to purchase or build thereon, and keep in repair, a suitable house and out houses, for the accommodation of the Priest or Rector of said parish, together with a vestry room and such other buildings as may be necessary for the convenient accommodation of those who may attend public worship at said church; the whole amount of the value of said premises not to exceed five thousand dollars.

Assessments.

SEC. 2. *Be it further enacted*, That at the annual meetings, on Easter Monday in each year, or at any adjournment of such meetings, the said parish may make or order reasonable taxes and assessments for the erection of buildings, or the purchase of any real estate authorized by this act, or for the preservation, repairs or improvement of the same; the said taxes to be apportioned upon the polls and estates of the members of said parish, according to the valuation of their respective estates, by the Assessors of the parish.

Delinquents may
be sued.

SEC. 3. *Be it further enacted*, That if any member of the said parish, shall refuse or neglect to pay any tax assessed upon him or her, by virtue of this act, or any tax which has been legally assessed upon him or her, for the support of public worship in said parish, or any money which may be due from him or her, for the rent of a pew or pews in the said church, after notice and demand thereof by the Collector or Treasurer of the said parish, the same may be recovered by an action of debt, or upon the case, to be brought in the name of the Treasurer, for the time being, against any such delinquent member of said parish, or the person from whom the same may be due, or his or her executor or administrator.

Trustees of Minister's Fund.

SEC. 4. *Be it further enacted*, That the Wardens and Vestrymen of the said parish, for the time being, shall be the Trustees of the minister's fund belonging to the said parish, and shall have the management of the same, together with all other property belonging to the said parish, subject to the control and direction of said parish; and shall have authority to sue for and collect any money which may be due and owing to the said parish.

[Approved by the Governor, June 14th, 1821.]

CHAP. XIV.

An Act authorizing the Judge of Probate of the County of Middlesex to hold a Special Court of Probate.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Judge of Probate, within and for the County of Middlesex be, and hereby is authorized and empowered to hold a special Court of Probate at Groton. in said county, on the Special Court. second Tuesday of August next; then and there to take cognizance of, to examine, hear, adjudge and decree on all matters and things pending in, or that shall be brought before said court.

[Approved by the Governor, June 15th, 1821.]

CHAP. XV.

An Act to prevent the destruction of Fish in the Town of Framingham.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this act, it shall not be lawful for any person to set or use more than one hook, at any one time, on any of the ponds or streams within the Town of Framingham, in the County of Middlesex; nor shall it be lawful for any person or persons, to draw any seine or net, in any of the ponds or streams in said town; nor shall it be lawful for any person to set any pot or net in any of the streams aforesaid. And if any person or persons shall, after the passing of this act, be found setting or using more than one hook, at any one time, such person or persons shall, for each hook so set or used, after the first, forfeit and pay a sum of

Time forbidden
to take Fish.

Fines and Penalties.

not less than one dollar ; and if any person or persons shall, after the passing of this act, draw any seine or net, in any of the ponds or streams within said town, or shall set any pot or net, in any of the ponds or streams aforesaid, he or they so offending, shall forfeit and pay a sum of not less than five dollars, and shall forfeit the pot, seine or net, so used, to the use of said town.

Accountability.

Proviso.

SEC. 2. *Be it further enacted*, That all penalties, incurred by any breach of this act, may be recovered by any person, who shall sue for the same, in any court in said County of Middlesex, proper to try the same. And if any minor or minors, shall offend against the provisions of this act, and shall thereby incur any of the penalties aforesaid, the parent, master or guardian of such minor or minors, shall be answerable therefor ; in which case the action shall be commenced against such parent, master or guardian (as the case may be) of such minor or minors, and judgment rendered accordingly : *Provided, however*, that the inhabitants of said Town of Framingham may, at their meeting in March or April, annually, suspend in whole or in part, the provisions and restrictions of the act aforesaid, for any term of time, not exceeding one year.

[Approved by the Governor, June 15th, 1821.]

CHAP. XVI.

An Act to authorize and empower the Trustees of Eliot School to sell and dispose of certain Lands.

May sell Lands.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Trustees of Eliot School be, and they are hereby authorized and empowered to sell and convey in fee simple, all or any part of twenty one acres of land, situated on Jamaica Plain, so called, in the Town of Roxbury, which were

granted, and conveyed by the Reverend John Eliot, formerly pastor of the first church in said Roxbury, by deed, dated the tenth day of July, in the year of our Lord one thousand six hundred and eighty nine, unto certain persons in said deed named, for the support and maintenance of a school in that part of Roxbury, aforesaid, then called Jamaica or Pond Plain; and the said Trustees of Eliot School, are hereby directed and required to invest the proceeds of sale, of all or any part of the land aforesaid, as soon as conveniently may be, after such sale, in other real estate, or to loan the same on interest, with mortgage of real estate as collateral security for the payment thereof, according to the discretion of said Trustees, and to appropriate the income of the same to, and for the use and purposes in said Eliot's deed of conveyance, limited and expressed.

Investment of property.

[Approved by the Governor, June 15th, 1821.]

CHAP. XVII.

An Act to change the Names of the persons therein mentioned, and to change the name of the Second Social Library, in Charlestown.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this act, the several persons herein named, shall be known and called by the names, which by this act, they are respectively allowed to assume; and that the said names shall forever hereafter be considered as their only proper and legal names, to all intents and purposes; viz.: Ebenezer Dorr, Junior, may take the name of Ebenezer Ritchie Dorr; that Peter Albertus Von Hagen, Junior, may take the name of Davis Coolidge Ballard; that Ebenezer May Meriam, may take the name of George May Meriam; that James Otis, Junior, merchant, may take the name

Persons changing their names.

Persons changing their names.

of James Allen Gardner Otis; that John Cooper Russell, may take the name of John Brown Frazier Russell; that Rachel Coddington Thayer, may take the name of Caroline C. Thayer; that Ebenezer C. Thayer, may take the name of Nathaniel Thayer; that Ira Smith, printer, may take the name of Fernando Victor Smith; that Thomas Goodwin, son of Thomas Goodwin, formerly of Portland, may take the name of Thomas Croswell Goodwin; all of Boston, in the County of Suffolk; that William Balch, the 3d, of Bradford, may take the name of William Savory Balch; that Daniel Stickney, Junior, of Bradford, may take the name of Daniel Balch Stickney; that Samuel Stickney, Junior, of Rowley, may take the name of Samuel Warren Stickney; that Joseph Moody Stickney, of Rowley, may take the name of Joseph Pike Stickney; that Samuel Lunt, Junior, of Newbury, son of Nicholas Lunt, may take the name of Samuel Laban Scott Lunt, all of the County of Essex; that Eleazer Bradshaw Edes, son of the late Peter Edes, of Charlestown, may take the name of Eleazer Edes Bradshaw; that Calvin Sanger, Junior, son of Calvin Sanger, Esquire, of Sherburne, may take the name of Calvin Phipps Sanger; that Asa Jarvis, of Concord, son of Francis Jarvis, of Concord, may take the name of Edward Asa Jarvis; that Josiah Nottage, trader, of Cambridge, may take the name of Josiah Nottage Marshall; that Marshall Stone, of East Sudbury, may take the name of Marshall Damon Spring Stone, all of the County of Middlesex; that Asa Augustus Miles, of Ashburnham, son of Captain Isaac Miles, of Waltham, may take the name of Augustus Strong; that David Stone, of Grafton, son of Gregory Stone, may take the name of Gregory David Stone, all of the County of Worcester; that Solomon Sylvester Ware, of Chesterfield, in the County of Hampshire, may take the name of Jonathan Sylvester Ware; that John Van Deusen, of Great Barrington, in the County of Berkshire, may take the name of John C. Van Deusen; that Helen Bartlett, of Roxbury, daughter of Doctor John Bartlett, may take the name of Ann Matilda Bartlett; that Jonathan Battle, of Dover, may take the name of Jonathan Battell; and that each of his

children, viz.: Jonathan, Ralph, Leonard, Clarissa, Adeline, and Mehitable, may take the name of Battell, all of the County of Norfolk; that Meshack Fifield, of Nantucket, trader, son of Mark Fifield, of New Hampshire, may take the name of Henry Fifield; that Atkins Dyer Pocock, of Wellfleet, in the County of Barnstable, may take the name of Atkins Dyer; that John Woodward Perry, of Seekonk, in the County of Bristol, may take the name of John Perry Woodward.

SEC. 2. *Be it further enacted,* That from and after the passing of this act, the proprietors of the Second Social Library in Charlestown shall be allowed to assume the name of the Charlestown Union Library, any thing contained in their act of incorporation to the contrary notwithstanding.

Name of Library changed.

CHAP. XVIII.

An Act to incorporate the Boston Steam Boat Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John L. Sullivan, with such persons as may associate with him, be, and they hereby are incorporated, under the name of the Boston Steam Boat Company, for the purpose of constructing steam boats, and the machinery appertaining to them, in the Towns of Medford and Boston, and of vending or using the same; and for this purpose shall have all the powers and privileges, and be subject to all the duties and restrictions prescribed in the act passed the third day of March, eighteen hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and of the several acts supplementary thereto.

Persons incorporated.

Powers and privileges.

SEC. 2. *Be it further enacted,* That every person, who shall become a member of said corporation, shall

Liability of individuals.

be liable in his private capacity, after his membership may have ceased, for all debts contracted during the time he was a member of said corporation.

Limitation of Stock.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall not exceed two hundred thousand dollars, divided into four hundred shares, the proprietors of which shall be entitled to vote in all meetings, in proportion to their number of shares.

[Approved by the Governor, June 15th, 1821.]

CHAP. XIX.

An Act to incorporate the Trustees of the Sanderson Academy and School Fund.

Persons incorporated.

Trustees.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Josiah Spaulding, Joseph Field, Elisha Billings, Ephraim Williams, Elijah Paine, Enos Smith, Thomas White, Thomas Longley, Theophilus Packard, Thomas Shepperd, Moses Miller, Thomas Sanderson, Samuel Bement, and Dimick Ellis, be, and they hereby are appointed Trustees for the management of certain funds bequeathed by Alvan Sanderson, late of Ashfield, for a School Fund, and incorporated into a body politic, by the name of the Trustees of the Sanderson Academy and School Fund; and they and their successors shall be and continue a body politic by the same name forever.

Confirmation of Grants.

SEC. 2. *Be it further enacted*, That all grants and donations which have been, or shall be hereafter made for the purpose aforesaid, shall be confirmed to the said Trustees and their successors, in that trust forever, for the uses which in such instruments are, or shall be expressed; *provided*, such uses shall not be repugnant to the design of this act. And the said Trustees shall be further capable of having, taking and holding in fee, gift, grant, devise or otherwise.

any lands, tenements or other estate, real or personal ;
provided, the annual income of the whole shall not Proviso.
exceed three thousand dollars.

SEC. 3. *Be it further enacted*, That the said Trustees shall have full power, from time to time, as they shall determine, to elect such officers of the Board as they shall judge necessary, and fix the tenure of the offices ; to remove any Trustee from the corporation, Power of Trustees. when in their opinion he shall be incapable (through age or otherwise,) of discharging the duties of his office ; to fill all vacancies in the Board of Trustees, to Vacancies to be filled. determine the times and places of their meetings, and manner of calling the meeting to elect Instructors in said school, and determine the duties and tenures of their offices, and to ordain reasonable orders and by-laws, not repugnant to the laws of this Commonwealth.

SEC. 4. *Be it further enacted*, That the Trustees of the said school fund may have one common seal, which they may change at pleasure ; that the Trustees may sue and be sued, in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of the Sanderson Academy and School Fund. May sue and be sued.

SEC. 5. *Be it further enacted*, That the number of Trustees and their successors, shall not, at any one time, be more than fifteen, nor less than five, and five shall be a quorum for transacting business ; and a majority of the members present, at any legal meeting, shall decide all questions proper to come before the Trustees. Number of Trustees.

SEC. 6. *Be it further enacted*, That Elijah Paine, Esquire, be, and he hereby is authorized to fix the time and place of holding the first meeting of the Trustees, and notify them accordingly. First Meeting.

[Approved by the Governor, June 15th, 1821.]

CHAP. XX.

An Act providing for the support of State Paupers.

Reduction of
Pauper expenses.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That whenever any town within this Commonwealth, shall incur expense in relieving or supporting any poor person, who has no settlement within this Commonwealth, such town shall be entitled to a reimbursement, at a rate not exceeding, in any case, the sum of ninety cents per week, each, for adults, and fifty cents each, for children.

[Approved by the Governor, June 15th, 1821.]

CHAP. XXI.

An Act to empower the inhabitants of the Town of Lynn to appoint a Board of Health, and for removing and preventing nuisances in said town.

Officers to be
chosen.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the freeholders and other inhabitants of the Town of Lynn, qualified to vote for town officers, may, in the month of April or May, annually, or at any other meeting, legally called for the said purpose, choose a Board of Health, consisting of five persons; the members of which Board of Health shall elect a Chairman, and a Clerk, whose duty it shall be to record the votes and doings of the said Board: And in case of the death or resignation of the members thereof, the said freeholders or other inhabitants may, at any legal meeting called for that purpose, elect another to supply his place.

SEC. 2. *Be it further enacted,* That it shall be the duty of the said Board of Health, and each member

thereof, to examine into all nuisances, and all other causes injurious to the health of the inhabitants, whether the same shall be caused by stagnant waters, drains, common sewers, slaughter houses, tan yards, fish, fish houses, docks, necessities, hog sties, putrid animal, or vegetable substances, or any other causes whatsoever, which, in his or their opinion, may be injurious to the health of the inhabitants aforesaid; and upon complaint on oath, being made to any Justice of the Peace, by any member of the said Board of Health, or other person, that he suspects any of the nuisances or causes aforesaid to exist in any dwelling house, cellar, store, or other building, ship or vessel, it shall be the duty of such Justice, to issue his warrant, directed to the Sheriff of the County of Essex, or his Deputies, or to any Constable of the Town of Lynn, commanding him or them, forcibly to enter, and together-with a member of the said Board of Health, to search the same, in the day time; and upon the discovery of such nuisance, or other cause, injurious to the health of the inhabitants, to remove the same: *Provided, however,* that no Sheriff, or Deputy Sheriff, or Constable shall execute any civil process, either by arresting the body or attaching the goods and chattels of any person or persons, under color of any entry made for the purposes aforesaid, unless such service could by law have been made without such entry; and all services, so made, under color of such entry, shall be utterly void; and the officer making such service shall be considered as a trespasser to all intents *ab initio*. And any person or persons who shall resist such search, shall forfeit and pay the sum of thirteen dollars, to be recovered in manner hereinafter provided. And it shall be the duty of the said Board of Health, upon the discovery of any such nuisance, or other cause injurious to the health of the inhabitants of said town, forthwith to remove the same; and upon complaint to any Justice of the Peace, within the said town, or in said county, made upon oath, by one or more of said Board of Health, briefly therein stating the facts, together with the costs of such removals, such Justice shall grant a warrant, expressing the substance of said complaint, directed to the Sheriff of the County of Essex, or his Deputy, or any

Duties of the Board.

Proviso.

Penalties.

Constable of the said Town of Lynn, commanding him to notify and require the person or persons in whose possession or upon whose estate such nuisance, or other cause aforesaid existed, or in case of his absence, his agent or attorney, to appear forthwith before such Justice; and if such person or persons neglect then and there, to appear, or appearing, do not shew good cause, to the satisfaction of said Justice, why judgment should not pass against him or them, the said Justice shall then and there adjudge that such person or persons shall pay a fine of thirteen dollars, and the costs of such removal, and double costs of prosecution; and shall thereupon issue his warrant, directed to the Sheriff of the County of Essex, or his Deputy, or any Constable of the Town of Lynn, thereby commanding him to levy the expense of said removal, together with said fine and double costs, on the goods and estate, and for the want thereof, on the body of the said occupier or proprietor of the house, land, cellar, dock, store or vessel in which said nuisances existed; and the said fine shall be paid over to the Town Treasurer for the use of said town: *Provided, always*, that any person or persons aggrieved at any judgment of a Justice, passed against him or them, as aforesaid, shall have a right to appeal therefrom to the Court of General Sessions of the Peace, then next to be holden within and for the County of Essex, who shall hear and determine on such complaint, as the case may require, and thereupon render such judgment as the Justice is herein before required to do, in an original complaint to him, with additional costs; and the judgment of the said court thereon, shall be final; *provided, nevertheless*, that no such appeal shall be granted, unless the respondent shall claim the same on the day on which the Justice's judgment shall be rendered, and shall enter into recognizance, with two sufficient sureties, to prosecute said appeal with effect. And the said Board are hereby empowered to appoint Scavengers and such other officers to assist them in the execution of their office, as they may, from time to time, judge necessary; for the payment of whom, and all necessary expenses which may arise in the exercise of their office, the said Board shall draw upon the Treasurer of the said town.

Suits may be instituted for offences.

Fines.

Appeals.

Scavengers.

SEC. 3. *Be it further enacted,* That any person who shall offer for sale in the Town of Lynn, or shall have in his or her possession, any tainted or putrid salted meat, or pickled fish, which shall be so deemed by any two of the Board of Health, upon conviction thereof, in manner aforesaid, shall forfeit the sum of two dollars for each parcel so offered for sale, or that he or she may have in possession. And it shall be the duty of every licenced packer of provisions and pickled fish to give information to the Board of Health, or some one of them, of any such meat or fish, that shall come to his knowledge, and shall moreover be sworn before the President of the Board of Health, or some one of said Board, to give such information, before he shall execute that trust, after said Board of Health shall have been chosen; and the said President and members, are hereby severally empowered to administer said oath. And if any packer of provisions do repack any meat or fish that is unwholesome, or not fit for use, and be thereof convicted, before any court competent to try the same, he shall forfeit two dollars for each barrel so repacked, and shall forever be disqualified for serving again in that capacity; and no provision shall be repacked in the said Town of Lynn, between the first day of June, and the first day of October, in any year, but only in such place or places therein, wherein permission therefor shall be obtained in writing, from the said Board of Health; and any person or persons who shall repack any provisions within the times forbidden as aforesaid in the said Town of Lynn, in any place or places where permission therefor in writing hath not been first obtained of said Board of Health, shall forfeit the sum of two dollars for each barrel so repacked. Tainted meat forbidden to be sold.

Penalties.

SEC. 4. *Be it further enacted,* That no person or persons, without first obtaining permission therefor from the Board of Health or two members thereof, shall kill any sheep or lambs, or expose to sale within said town, between the first day of July and the twentieth day of September in any year, the meat of any sheep or lambs which have been killed within two days after such sheep or lambs have been driven into the said town; and every person who, without having

Penalties.

first obtained such permission, shall, within the times aforesaid, kill any sheep or lambs within said town, within two days after such sheep or lambs have been driven into the same, or do expose or offer for sale within said town the meat of any sheep or lambs which have been so killed, shall forfeit and pay for each offence, twenty dollars; and the meat of every sheep or lamb so killed shall be forfeited: And the said Board of Health, or any two of them, may, and it shall be their duty to seize and remove the same and dispose thereof so as that the health of the inhabitants may not be endangered thereby; and in any action or prosecution against the members of said Board of Health, or either of them, for seizing any meat of sheep or lambs, by virtue of this act, the plaintiff or prosecutor shall be held to prove that such sheep or lambs were killed after the expiration of two days from the time the same were driven into said town, or by the permission of the said Board of Health.

Storage of hides.

SEC. 5. *Be it further enacted,* That no untanned hides shall be stored or kept in the said Town of Lynn, between the first day of May and the first day of December, except in such place or places as the Board of Health shall direct and appoint; and that all such hides found in any other place or places in said town, within the times last mentioned, shall be forfeited, if not removed to such place as the Board of Health shall direct, without the limits of said town, by the owner thereof, within twenty four hours after notice given him by the said Board of Health, or any two of them; and such hides, so forfeited, may and shall be seized by any two of said Board of Health, and may and shall be libelled and tried in the same way and manner, and by the same process as is provided for the trial of gunpowder, seized according to law. And any person or persons who throw upon the wharves or shores, or into any of the docks in the town, any putrid meat, fish, or any other putrid or offensive substance, or any thing contrary to the order or regulations of the Board of Health, shall forfeit and pay for each offence, a sum not less than two dollars, nor more than thirteen dollars, at the discretion of the court, which may have cognizance of such offence. That all masters of vessels

Fines.

who throw upon the wharves or shores, or into any of the docks in the said town, without permission from the Board of Health, any filth or the sweepings of the hold of vessels, which may endanger the health of the inhabitants of said town, shall forfeit a sum not less than five dollars, nor more than fifty dollars, for each offence.

SEC. 6. *Be it further enacted*, That all penalties and forfeitures arising from this act, except in those cases, in which it is herein otherwise provided, shall accrue to the use of the Town of Lynn, and shall be prosecuted and recovered by action of debt, in the name of the President of the said Board of Health, or by information in any court competent to try the same ; and it shall be the duty of the said Board of Health, and of each member thereof, to pursue and enforce the due execution of the foregoing law, and to prosecute all offenders for all penalties and forfeitures which may accrue under the same.

Appropriation of fines.

Prosecution of offenders.

[Approved by the Governor, June 16th, 1821.]

CHAP. XXII.

An Act in addition to an Act to relieve Towns from the expenses of Persons Imprisoned for Debt.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That when any person, hereafter confined in close prison, on mesne process or execution issued upon any cause of action, accruing after the fourteenth day of March, in the year of our Lord one thousand eight hundred and twenty, shall claim relief as a pauper, the Keeper of the prison in which such poor debtor is confined, shall, after twenty four hours from the time such claim is made, furnish relief and support to said poor debtor, at the charge and expense of the creditor, so long as he or she shall remain in close confinement at the suit of said creditor.

Creditor to pay board of imprisoned debtors.

at the rate of one dollar and twenty five cents per week ; and no town or district in this Commonwealth, shall hereafter be liable for the support of any poor debtor confined in manner aforesaid.

SEC. 2. *Be it further enacted*, That when the Keeper of the prison, at the time of the commitment of any person, upon mesne process, or execution issued in manner aforesaid, shall require of the creditor, his or her attorney, or the officer committing, security for the expense of supporting such debtor, in case he or she shall claim relief as a pauper, unless satisfactory security is given, or the money advanced, he shall be under no obligation to furnish support for said debtor, as a pauper; and the said Keeper may, after twenty four hours from the time said poor debtor shall claim relief as a pauper, discharge the said debtor from imprisonment.

Keeper may discharge debtors.

SEC. 3. *Be it further enacted*, That when execution shall be hereafter issued upon judgments rendered upon causes of action, which accrued previous to the fifteenth day of March, in the year of our Lord one thousand eight hundred and twenty, the Clerk or Justice issuing such execution, shall certify on the back thereof, that the cause of action accrued previous to said time.

Duty of Clerks.

SEC. 4. *Be it further enacted*, That when debtors shall be discharged from their imprisonment, in the manner mentioned in this act, the debt and cost shall not thereby be discharged ; but the debt and cost, together with all sums which the creditor may have paid for the support of the debtor, while confined in close prison, shall be, and remain a legal claim against the goods and estate of the debtor, but not against his or her body.

Debtor's property held responsible.

[Approved by the Governor, June 16th, 1821.]

CHAP. XXIII.

An Act in further addition to an Act, entitled “An Act to establish a Court of Common Pleas for the Commonwealth of Massachusetts.”

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That as the Court of Common Pleas created by the act, entitled “an act to establish a Court of Common Pleas for the Commonwealth of Massachusetts,” passed on the fourteenth day of February last, will often sit at, or near the same times in different counties, the Justices of the same court, or a majority of them, may, from time to time, make such arrangements, as will be most convenient to themselves, and insure a punctual and prompt despatch of the duties incumbent upon them.

SEC. 2. *Be it further enacted,* That nothing contained in the eleventh section of the act before named, shall be construed to give the Clerks of the Courts of Common Pleas any other or better title to their offices than they have heretofore had ; and when any of the said offices shall be vacant, a new Clerk shall be appointed, in the same manner as the Clerks of the Circuit Court of Common Pleas have hitherto been.

SEC. 3. *Be it further enacted,* That the several Clerks of the Court of Common Pleas, before they enter upon the discharge of their duties, under the act before named, shall give bond, with sufficient sureties, for the faithful performance of all the duties of their said office ; and the sufficiency of such bonds shall be determined by any Justice of the Supreme Judicial Court, or Court of Common Pleas.

SEC. 4. *Be it further enacted,* That the proviso contained in the sixth section of the act before named, and likewise the second period or sentence of the tenth section of the same act, relative to official incompatibilities, be, and the same are hereby repealed.

[Approved by the Governor, June 16th, 1821.]

CHAP. XXIV.

An Act in addition to an Act, entitled "An Act incorporating the Proprietors of the South Meeting House in Danvers, as a Religious Society."

Pew owners.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That in all the concerns of the society composed of the proprietors of the south meeting house in Danvers, to constitute a voter, a person shall own at least one half a floor pew, or the whole of a pew in the gallery.

Sale of pews.

SEC. 2. *Be it further enacted,* That the standing committee of said society be hereby authorized and empowered to give deeds of conveyance to the present owners of all pews, that have been heretofore sold by order of the society, and that all deeds of conveyance of pews or rights in the house, shall be recorded by the Clerk of the society, in a book kept for that purpose.

Sections of law repealed.

SEC. 3. *Be it further enacted,* That so much of the act, to which this is in addition, passed on the twenty eighth day of September, in the year of our Lord one thousand seven hundred and ninety three, as relates to the payment of interest on taxes assessed by said society, and so much of said act as is inconsistent with the provisions of this act, be, and the same are hereby repealed.

[Approved by the Governor, June 16th, 1821.]

CHAP. XXV.

An Act to incorporate the First Calvinistic Baptist Society, in Beverly.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Charles Dennis, Elea-

zer Wallis, Benjamin Peirce, Levi Dodge, William Curtis, Abraham Lord, Jesse Sheldon, Knott Vickery, John P. Webber, Jonathan Dodge, Francis Lamson, Junior, George Lamson, John S. Parker, Nicholas Dodge, Junior, Israel Dodge, Benjamin Edwards, Nathaniel Bachelder, Henry Bachelder, Ezra Bachelder, William Dodge, Junior, Isaac Appleton, John Wilson, Thomas Farris, John Bennett, Robert G. Wood, Samuel Obear, 3d, Stephen Homans, William Obear, William Elliott, John Cox, and Joseph Goldsbury, with their families and estates, together with such others as may hereafter associate with them, and their successors, be, and they are hereby incorporated into a society, by the name of the First Calvinistic Baptist Society in Beverly; with all the powers, privileges, rights and immunities to which parishes or societies are entitled by the constitution and laws of this Commonwealth.

Persons incorporated.

General powers.

SEC. 2. *Be it further enacted*, That the said society shall have power to raise such sum or sums of money, for the support of a minister, or ministers, from time to time, and for the repairs of their meeting house, to enlarge or alter the same, as may be deemed expedient, and all other necessary charges relating to said society, by a tax on the polls and estates of all the members thereof; and to ordain and establish all such rules and regulations as shall be determined by a majority of said society, at each annual meeting, duly warned and held according to law.

Ministerial taxes.

Meetings.

SEC. 3. *Be it further enacted*, That any Justice of the Peace for the County of Essex, upon application therefor, is empowered to issue a warrant directed to a member of the said society, requiring him to notify and warn the members thereof to meet at such time and place as shall be appointed in said warrant, for the election of such officers as parishes are by law required to choose at their annual meetings, and to do such other business as may be expressed in said warrant.

First Meeting.

[Approved by the Governor, June 16th, 1821.]

CHAP. XXVI.

An Act partially to suspend the operation of an Act to secure the Town of Boston from damage by fire.

Suspension of
law.

Proviso.

Limitation of
power.

Penalties.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the operation of all laws now in force, which restrain the erecting and placing of wooden buildings in the Town of Boston, of more than ten feet in height, from the ground to the highest point in the roof thereof, be, and the same are hereby suspended, so far as they respect any house or other building which may be erected or placed in that part of the Town of Boston, called South Boston, and which was heretofore set off from the Town of Dorchester, for and during the term of five years from the passing of this act: *Provided, however,* that such suspension and exemption shall not be deemed to extend to any house or building of any kind to be erected or placed within that part of the Town of Boston aforesaid, called South Boston, which shall be more than thirty feet high from the ground to the highest part thereof, or more than forty feet square, or within fifty feet of any other house, or other building. And the operation of the laws aforesaid, hereby partially suspended, and all penalties, forfeitures and disabilities thereby imposed, and every clause and provision thereof, shall have the like force and effect, in regard to all houses and other buildings erected or placed in said South Boston, in any manner not conformable to the conditions and provisions of this act, and in regard to all persons who may be amenable therefor, as if this act had not been passed.

[Approved by the Governor, June 16th, 1821.]

CHAP. XXVII.

An Act to empower the Proprietors of Flint's Mills, on Ipswich River, to alter the Passage for the Fish in the Dam of said Mills.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Proprietors of Flint's Mills, in Middleton, in the County of Essex, be, and they hereby are authorized and empowered to ^{Passage for fish.} discontinue the way, now required by law, to be kept open for the passage of the fish through the dam of said mills, any law to the contrary notwithstanding. *Provided, nevertheless,* that the said proprietors shall ^{Proviso.} cause to be constructed on the southerly side of said dam, within six months from and after the passing of this act, a good and sufficient passage for the fish, and shall keep the same in good repair; which passage shall be approved and allowed by the major part of a committee to be composed of the Fish Wardens of the ^{Fish Wardens.} Towns of Danvers and Middleton, in the County of Essex, and the Town of Reading, in the County of Middlesex.

[Approved by the Governor, June 16th, 1821.]

CHAP. XXVII.

An Act to incorporate the Proprietors of the Charlestown Bleachery.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Amos Binney, George ^{Persons incorporated.} Bond, and others, their associates, be, and they hereby are constituted a body politic and corporate, with perpetual succession, by the name of the Proprietors of the Charlestown Bleachery, for the purpose of bleach-

May sue and be
sued.

General powers.

Individual lia-
bility.

Number of
shares.

Division of
shares.

ing and finishing linen and other cloths, and preparing materials therefor; and the said corporation, by the name aforesaid, are hereby made capable in law, to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure; to make rules and by-laws for the regulation and management of the said concern, consistent with the laws of the Commonwealth; and generally to do and execute whatever by law shall appertain to bodies politic; and for such purpose shall have all the powers and privileges, and be subject to all the duties and requirements prescribed and contained in an act, entitled "an act defining the general powers and duties of manufacturing corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine.

SEC. 2. *Be it further enacted*, That every person who shall become a member of said corporation, shall be liable in his private capacity, after his membership may have ceased, for all debts contracted during the time he was a member of said corporation.

SEC. 3. *Be it further enacted*, That the stock and property of the said corporation shall be divided into one hundred and thirty shares, of one hundred dollars each, with liberty to extend the number of shares to five hundred: *Provided*, that any increase which may take place shall be authorized at a legal meeting of the proprietors held according to the rules established for calling the proprietors together; and the said shares shall be divided among the several proprietors according to the interest and portion which they may respectively have in the said corporate property; and certificates of such shares shall be signed by the President and Treasurer of the corporation, and issued to the proprietors accordingly; and the shares in the said corporation shall be transferable by endorsement on the back of said certificate, and the property of such shares shall be vested in the assignee or vendee thereof, when a record shall be made thereof in the books of the corporation, and new certificates shall be issued accordingly; and such shares shall in all respects be considered as personal estate, and shall be liable to attachment in the same manner as the shares in the several manufacturing companies in this Commonwealth are liable.

SEC. 4. *Be it further enacted,* That the said corporation shall have power, from time to time, to assess such sums of money as may be deemed necessary for rebuilding or repairing any buildings or other property of the said corporation, or necessary for the erecting any new buildings or tenements on the estate of the corporation, or for the improvement and good management of the corporate property. And in case any proprietor shall neglect or refuse to pay any assessments, the corporation may cause the share or shares of such delinquent proprietor to be sold at public auction, after ten days notice in a public newspaper printed in Boston, to the highest bidder; and after deducting the amount assessed and unpaid, together with charges of sale, the surplus, if any there be, shall be paid over to such proprietor; and the purchaser of such share or shares so sold, shall be entitled to, and receive a certificate of the share or shares purchased by him accordingly.

May make assessments.

Delinquent shares may be sold.

SEC. 5. *Be it further enacted,* That the said corporation may have and hold real and personal estates, not exceeding in cost, the sum of fifty thousand dollars, with power to sell and dispose of the same, or any part thereof; and in all meetings of the members of said corporation, for the transaction of business, the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he may hold in the following proportion; that is to say, for one share one vote, and every two shares above one, shall give a right to one vote more; *provided*, that no one member shall be entitled to more than ten votes: *And provided further*, that no assessment shall be made at any meeting, unless the same be agreed to by two thirds at least in value of those present or represented at such meeting, nor unless public notice shall have been given at least ten days before such meeting, by publication thereof in one or more newspapers printed in Boston; and votes may be given in writing at any meeting, by any proprietor by his proxy.

Limitation of real estate.

Qualification of voters.

Mode of calling meetings.

SEC. 6. *Be it further enacted,* That either of the proprietors may call a meeting of the said corporation, by advertising the same in any of the newspapers printed in Boston, ten days at least before the time of meeting; and that the said corporation may, at that or

Choice of officers.

any other meeting, agree on the mode of calling future meetings; and shall elect a President, and Treasurer, and may elect all such other officers as the corporation may think fit, for conducting and managing the corporate affairs and estates, and the same may remove and change as the said corporation may see cause.

[Approved by the Governor, June 16th, 1821.]

CHAP. XXIX.

An Act relative to filling any vacancy in the Office of Secretary or Treasurer of the Commonwealth.

Vacancies in the Treasury.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That whenever a vacancy shall happen in the office of Treasurer of this Commonwealth, during the recess of the Legislature, which shall be supplied by the Governor, with the advice and consent of the Council, it shall be done agreeably to the regulations prescribed in an act, entitled "an act providing for the security of the Treasury of this Commonwealth," enacted the eighth day of March, in the year of our Lord one thousand seven hundred and ninety two; *provided, nevertheless*, that the oaths and affirmations prescribed by the sixth article of the Amendments of the Constitution be always administered, instead of the oaths, affirmations and declarations in use, before the said amendment was adopted.

Vacancy in the Department of State.

SEC. 2. *Be it further enacted*, That when any vacancy shall happen in the office of Secretary of this Commonwealth, during the recess of the Legislature, and shall be supplied by the Governor, by and with the advice of the Council, it shall be done agreeably to the regulations heretofore used and practiced for qualifying the said officer, adapting the oaths, affirmations and subscriptions of said officer, to the provisions of the amended Constitution of this Commonwealth.

[Approved by the Governor, June 16th, 1821.]

CHAP. XXX.

An Act to incorporate the Proprietors of the Boston Theatre.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Samuel Danforth, ^{Persons incorporated.} Thomas Dennie, George Blake, Jonathan Amory, Abraham Touro, Thomas A. Dexter, and their associates, successors and assigns, be, and they hereby are constituted a body politic and corporate, by the name of the Proprietors of the Boston Theatre; and the said corporation, by the said name, are hereby declared and made capable in law to sue and be sued, ^{May sue and be sued.} to plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure; to make rules and by-laws for the regulation and management of their property, consistent with the laws of the Commonwealth; and generally to do and execute what- ^{General powers.} ever, by law, shall appertain to bodies politic.

SEC. 2. *Be it further enacted,* That every person who shall become a member of said corporation, shall be liable in his private capacity, after his membership ^{Individual liability.} may have ceased, for all debts contracted during the time he was a member of said corporation.

SEC. 3. *Be it further enacted,* That the said corporation be, and hereby is declared capable to have, hold, and possess, all the real estate now owned by the proprietors, in common, with the appurtenances thereof; and the said corporation shall have power to sell, grant and alien in fee simple, or otherwise, their corporate property, or any part thereof, and to lease, manage and improve the same according to the will and pleasure of the said corporation, to be expressed at any legal meeting. ^{May hold real estate.}

SEC. 4. *Be it further enacted,* That the said corporate property shall be divided into shares, not exceeding one hundred in number, as the said corporation ^{Limited number of shares.} may find to be most expedient; and said shares shall be divided among the several proprietors according to

Shares transferable.

Shares considered personal estate.

May levy assessments.

Delinquent shares may be sold.

Limitation of property.

the interest and portions, which they may respectively have in the said corporate property; certificates of which shares shall issue to the proprietors, under the seal of said corporation, and be signed by the President and Treasurer thereof; and the shares in said corporation shall be transferable by endorsement on the back of said certificate; and the property in such shares shall be vested in the assignee or vendee thereof, when a record shall be made thereof by the Clerk of the corporation, and new certificates shall be issued accordingly; and such shares shall in all respects be considered as personal estate, and subject to be attached on mesne process, and sold on execution, in the same manner as shares of incorporated companies now are subject, by an act, entitled "an act directing the mode of attaching on mesne process, and selling by execution, the shares of debtors in incorporated companies."

SEC. 5. *Be it further enacted*, That the said corporation shall have power, from time to time, to assess such sums of money as may be deemed necessary for rebuilding, altering or repairing any buildings now belonging to the corporation, or necessary for the erection of any new buildings on the whole or any part of their premises, or for the improvement and good management of the corporate estate, agreeably to the true intent and meaning of this act. And in case any proprietor shall refuse or neglect to pay any assessment, the said corporation may cause such of the shares of such delinquent proprietors as may be sufficient therefor, to be sold by public auction, after ten days notice, to the highest bidder; and after deducting the amount assessed and unpaid, together with the charges of sale, the surplus, if any, shall be paid over to such proprietor; and the purchaser of such share or shares so sold, shall be entitled to, and receive a certificate of the share or shares by him purchased accordingly.

SEC. 6. *Be it further enacted*, That the corporate property which the said corporation shall have and hold, at any one time, in virtue of this act, shall not exceed in value one hundred and fifty thousand dol-

lars : and in all meetings of the members of said corporation for the transaction of business, each member or proprietor shall be entitled to one vote for every share by him held in said corporation ; *provided*, Proviso. *always*, that no one member shall ever be entitled to more votes than shall be equal to one fourth part in value of the corporation property ; and *provided further*, that no assessment shall be made at any meeting, unless the same shall be agreed to by two thirds at least, in number and interest of those present, or represented at such meeting, nor unless public notice shall have been given at least ten days previous to such meeting, by publication thereof in one or more newspapers printed in Boston. Proprietors may appear and act at any meeting by their proxy, duly authorized in writing.

SEC. 7. *Be it further enacted*, That any three of them, the said Danforth, Dennie, Blake, Amory, Toro, or Dexter, may call a meeting of said corporation First meeting. by advertising the same in any of the newspapers printed in Boston, ten days at least, before the time of meeting ; and that the corporation may, at such, or any other meeting, agree on the mode of calling future meetings ; and shall elect a President, Treasurer and Clerk, and may elect all such other officers as said corporation may think fit, for conducting and managing the corporate affairs and estate ; and the same may change and remove, as the said corporation may see fit.

SEC. 8. *Be it further enacted*, That immediately after the first meeting of said corporation, all the real estate now owned in common by the Proprietors of the Boston Theatre shall be transferred by good and sufficient deeds of conveyance to the corporation Corporate shares. aforesaid.

[Approved by the Governor, June 16th, 1821.]

CHAP. XXXI.

An Act regulating the building with Wood within the Town of Boston.

Dimensions of
Wooden Build-
ings.

Proviso.

Part of former
law repealed.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, it shall be lawful to build houses, or other buildings of wood within the Town of Boston, the posts whereof, measuring from the bottom of the lower sill to the top of the plate, shall not exceed ten feet, and the pitch of the roof thereof, not to exceed one third pitch ; *provided*, that such roof be of a regular slope from the plate to the top thereof, and that no window or windows shall be erected or made on the sloping part of the roof of such house or building : *And provided, ulso*, that in no case shall any such house or building exceed sixteen feet in measure from the ground to the highest point in the roof.

SEC. 2. *Be it further enacted*, That so much of the laws heretofore passed, as are inconsistent with the provisions of this act, be, and the same are hereby repealed.

[Approved by the Governor, June 16th, 1821.]

CHAP. XXXII.

An Act to provide for the discharge of Officers in the Militia.

Militia Officers
may be dischar-
ged.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Commander in Chief may discharge from office any person holding a commission in the militia, whenever he shall thereto be requested by such officer in writing. And when-

ever the Major General or Commanding Officer of any division shall certify that any officer, chosen or appointed to command in the militia, belonging to his division, has removed his residence out of the bounds of his command to such a distance that such Major General shall think it inconvenient for him to discharge the duties of his office, or, that any officer has been absent from his command twelve months without leave of the Commanding Officer of his division, such persons shall be considered as having abdicated their offices, and the Commander in Chief shall discharge them accordingly. And whenever any corps is disbanded by law, the officers belonging to the same shall be discharged.

SEC. 2. *Be it further enacted*, That whenever any officer, who is or shall be chosen to command in the militia, or is or shall be appointed to office in the same, shall, after he shall have been chosen or appointed, and before receiving his commission, remove out of the bounds of the corps to which he is chosen or appointed, to such a distance that his Major General shall think it inconvenient for him to discharge the duties of his office, or whenever any officer shall refuse to accept his commission, and to take and subscribe the oaths required by the constitution, it shall be the duty of the Major General, to certify the facts upon the back of the commission, and to return the same to the Adjutant General's Office, and to cause the vacancy to be filled.

Vacancies may
be filled up.

SEC. 3. *Be it further enacted*, That officers, duly commissioned to command in the militia, may be removed from their offices by the address of both Houses of the Legislature to the Governor, or by fair trial in Court Martial, pursuant to the laws of the Commonwealth for the time being.

Removal of Offi-
cers.

[Approved by the Governor, June 15th, 1821.]

Commonwealth of Massachusetts.

SECRETARY'S OFFICE, JULY 20, 1821.

BY THIS I CERTIFY, That the Laws printed in this pamphlet, passed at the session of the General Court in May and June last, have been compared with the original engrossed bills in this Office, and appear to be correct.

ALDEN BRADFORD,

Secretary of the Commonwealth.

AMENDMENTS

TO THE

CONSTITUTION OF MASSACHUSETTS.

THE following Articles of Amendment to the Constitution, proposed by the Convention, holden November 15th, 1820, were approved, ratified, and adopted by a majority of the legal voters in the State, and have become a part of the Constitution of the Commonwealth.

ARTICLE I.

IF any bill or resolve shall be objected to, and not approved by the Governor; and if the General Court shall adjourn within five days after the same shall have been laid before the Governor for his approbation, and thereby prevent his returning it, with his objections, as provided by the Constitution; such bill or resolve shall not become a law, nor have force as such.

Objections of
General Court.

ARTICLE II.

The General Court shall have full power and authority to erect and constitute municipal or city governments in any corporate town or towns in this Commonwealth, and to grant to the inhabitants thereof such powers, privileges and immunities, not repugnant to the Constitution, as the General Court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants in wards, or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings: provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants; nor unless

City Govern-
ments.

it be with the consent and on the application of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose : And provided also, that all by-laws made by such municipal or city government, shall be subject, at all times, to be annulled by the General Court.

ARTICLE III.

Qualification
and residence of
Voters.

Every male citizen of twenty one years of age and upwards, (excepting paupers and persons under guardianship) who shall have resided within the Commonwealth one year, and within the town or district, in which he may claim a right to vote, six callender months next preceding any election of Governor, Lieutenant Governor, Senators, or Representatives, and who shall have paid, by himself or his parent, master or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district, of this Commonwealth ; and also every citizen who shall be by law exempted from taxation, and who shall be in all other respects qualified as abovementioned, shall have a right to vote in such election of Governor, Lieutenant Governor, Senators and Representatives ; and no other person shall be entitled to vote in such elections.

ARTICLE IV.

Appointment of
Notaries Public.

Notaries Public shall be appointed by the Governor, in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the Governor, with the consent of the Council, upon the address of both Houses of the Legislature.

Vacancies of the
Secretary or
Treasurer to be
filled up.

In case the office of Secretary or Treasurer of the Commonwealth shall become vacant from any cause, during the recess of the General Court, the Governor, with the advice and consent of the Council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the General Court.

Whenever the exigencies of the Commonwealth shall require the appointment of a Commissary General, he shall be nominated, appointed and commissioned, in such manner as the Legislature may, by law, prescribe.

Appointment of
Com. General.

All officers commissioned to command in the militia, may be removed from office in such manner as the Legislature may, by law, prescribe.

Removal of Mili-
tia Officers.

ARTICLE V.

In the elections of Captains and Subalterns of the militia, all the members of their respective companies, as well those under, as those above the age of twenty one years, shall have a right to vote.

Qualification of
voters in choice
of Militia Offi-
cers.

ARTICLE VI.

Instead of the oath of allegiance prescribed by the Constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this Commonwealth, before he shall enter on the duties of his office, to wit:

“I, A. B. do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the Constitution thereof. So help me God.”

Oath of alle-
giance.

Provided, That when any person shall be of the denomination called Quakers, and shall decline taking said oath, he shall make his affirmation in the foregoing form, omitting the word “swear,” and inserting, instead thereof, the word “affirm,” and omitting the words “so help me God,” and subjoining, instead thereof, the words “this I do under the pains and penalties of perjury.”

Provido,

ARTICLE VII.

No oath, declaration or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the Governor, Lieutenant Governor, Counsellors, Senators or Representatives, to qualify them to perform the duties of their respective offices.

Specific quali-
fications.

ARTICLE VIII.

No Judge of any Court of this Commonwealth, (except the Court of Sessions,) and no person holding any office under the authority of the United States, (Postmasters excepted,) shall, at the same time, hold the office of Governor, Lieutenant Governor or Counsellor, or have a seat in the Senate or House of Representatives of this Commonwealth; and no Judge of any Court in this Commonwealth, (except the Court of Sessions,) nor the Attorney General, Solicitor General, County Attorney, Clerk of any Court, Sheriff, Treasurer and Receiver General, Register of Probate, nor Register of Deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; and Judges of the Courts of Common Pleas shall hold no other office under the government of this Commonwealth, the office of Justice of the Peace and Militia Offices excepted.

Incompatibility
of Office.

ARTICLE IX.

If at any time hereafter, any specific and particular amendment or amendments to the Constitution be proposed in the General Court, and agreed to by a majority of the Senators and two thirds of the members of the House of Representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two Houses, with the yeas and nays taken thereon, and referred to the General Court then next to be chosen, and shall be published; and if in the General Court next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the Senators and two thirds of the members of the House of Representatives present and voting thereon; then it shall be the duty of the General Court to submit such proposed amendment or amendments to the people; and if they shall be approved and ratified by a majority of the qualified voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the Constitution of this Commonwealth.

Mode of future
Amendments to
the Constitution.

LAWS

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, THE NINTH DAY
OF JANUARY, AND ENDED ON SATURDAY, THE TWENTY THIRD DAY
OF FEBRUARY, A. D. EIGHTEEN HUNDRED AND TWENTY TWO.

CHAP. XXXIII.

An Act in addition to "An Act incorporating the Massachusetts Mutual Fire Insurance Company."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Massachusetts Mutual Fire Insurance Company may have, purchase, and hold real estate, provided, the amount thereof shall not exceed the sum of fifty thousand dollars.*

May hold Real Estate, to a certain amount.

[Approved by the Governor, January 28th, 1822.]

CHAP. XXXIV.

An Act to establish the Town of Prescott.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the East Parish of Pelham, in the County of Hampshire, and the south part of New Salem, in the County of Franklin, by the following boundaries, viz.: beginning on the west line of New Salem, at the southwest corner of lot number twenty three, in the third division, now owned by Samuel Wood; from thence, running east by the south line of that lot, and the south line of Ebenezer and David C. Vaughn's farm, to the southwest corner of David and Luther Hunt's farm; thence easterly, on the line between said farm and Samuel H. Hunt's land, and on the south line of William Walker's land, and the south line of the farm now occupied by Winslow Packard, to the west line of Nathaniel Bangs' farm; thence southwardly and eastwardly by his line, to Amos Martin's west line; thence south and east, by the west and south line of his farm, to the west line of the farm lately owned by Ebenezer Lincoln, now owned by Nymphas Stacey; thence southwardly, by the west line thereof, to the southwest corner; thence eastwardly on the south line, until it comes to the highway, that runs eastwardly on the south side of said farm; thence along the middle of said highway, eastwardly and southwardly, to the southwest corner of land owned by Varney Pearce; thence east, on the south line, to the southeast corner; thence north, to the southwest corner of the lot on which Samuel Linzie now lives; thence east, on the south line of that lot, and on the south line of the lot on which Rufus Stacey lives, to the east line of New Salem; then south and west, following the line of New Salem, to the northeast corner of Pelham; thence south and west, on the east and south lines of Pelham, until it comes to the stream called the west branch of Swift River, being the line between the two parishes in

Boundaries.

Pelham; thence northwardly along the middle of said stream, to the first mentioned boundary on the west line of New Salem, be, and hereby is incorporated into a town, by the name of Prescott; and the inhabitants thereof are hereby vested with all the powers and privileges of towns within this Commonwealth; and the said Town of Prescott is hereby annexed to the County of Hampshire.

SEC. 2. *Be it further enacted*, That the inhabitants of the Town of Prescott, shall be liable to pay all taxes that have been legally assessed on them, by the respective Towns of Pelham and New Salem, and also their proportion of the county taxes for the present year, although not yet assessed, in the same manner as they would have been, if this act had not been passed. Adjustment of Taxes.

SEC. 3. *Be it further enacted*, That the said Town of Prescott shall be holden to pay the expense of supporting all the poor now chargeable to the Town of New Salem, in such proportion as the valuation of that part of New Salem, now included in the Town of Prescott, bears to the whole valuation made by the Assessors, for the year one thousand eight hundred and twenty one; and they shall also be holden to pay for the support of all the poor now chargeable to the Town of Pelham, in such proportion as the valuation of the east parish bears to the whole valuation for the year one thousand eight hundred and twenty one, of the Town of Pelham: And further, the said Town of Prescott shall be liable and holden to support all persons who may, hereafter become chargeable as paupers, who have gained or acquired a settlement in either of said towns, and whose residence at the time when such settlement may have been acquired, was within the limits of the territory incorporated into a town, by this act. Proportion of Poor Tax.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the County of Hampshire, is hereby authorized, on application therefor, to grant a warrant for calling the first meeting of the Town of Prescott. First Meeting.

[Approved by the Governor, January 28th, 1822.]

XXXV.

An Act ceding to the United States the jurisdiction of part of Tinker's Island, Marblehead Rock, and the east Rock of Cat Island.

Lands ceded to
United States.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That there be, and hereby is ceded to the United States, the jurisdiction of the following described real estate, lying in Salem, in the County of Essex, to wit: a part of Tinker's Island, so called, lying southerly of Marblehead Neck, containing two acres, on the southwest part of said Island, and bounded as follows; beginning at a point on the northwest beach thereof, thence running across said Island, due southeast till it meets the beach, said point being so far distant from the west point of said Island as to leave southwesterly of said line two acres, being about one sixth part of the said Island; also the Island or Rock, known by the name of Marblehead Rock, lying south, fifty seven degrees east, from Marblehead Fort; distant therefrom about three quarters of a statute mile; also the east Rock of Cat Island, so called, the same lying south, eighty one degrees east, from Marblehead Fort; distant one and three eighth parts of a mile; and north, seventy degrees east, from the Marblehead Rock about three quarters of a mile; for the purpose of erecting and preserving land marks thereon: *Provided*, that this Commonwealth shall retain concurrent jurisdiction with the United States in and over said land, so far as that all civil and criminal processes, issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said land, or in any building which may be erected thereon; and for the punishment of all crimes and misdemeanors against the laws of this Commonwealth, committed upon said land, in the same way and manner as if this grant had not been made.

State to retain
concurrent juris-
diction.

[Approved by the Governor, January 28th, 1822.]

CHAP. XXXVI.

An Act in further addition to an Act, entitled "An Act to incorporate Nicholas Thorndike, and others, into a Company, by the name of the Beverly Marine Insurance Company."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That such further time, not exceeding five years from and after the twenty fourth day of August next, be allowed to the stockholders in the Beverly Marine Insurance Company, named in an act, entitled "an act to incorporate Nicholas Thorndike, and others, into a company, by the name of the Beverly Marine Insurance Company," to pay in the residue, being the last moiety of the instalments, and amounting in all to fifty dollars on a share in the capital stock of the said company, as the Directors thereof may judge proper; and that the said residue shall be paid in at such times and in such proportions as the said Directors shall order and appoint, within the period aforesaid: *Provided, however,* that nothing in this act shall be construed to exonerate or discharge the estates of the said stockholders from being liable in the manner and for the purposes mentioned in the tenth section of the said original act, in addition to which this act is made.

Further time allowed.

Proviso.

[Approved by the Governor, January 28th, 1822.]

CHAP XXXVII.

An Act to incorporate the Veterinary Institution of Massachusetts.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by*

Persons incorpo-
rated. *the authority of the same,* That John B. Brown, William Sullivan, Henry A. S. Dearborn, George Sullivan, John C. Warren, and Samuel Jaques, and their associates, be, and they are hereby incorporated, by the name of the Veterinary Institution of Massachusetts, for the purpose of diffusing a knowledge of Veterinary medicine and surgery, by means of lectures and practice, or otherwise; and to this end to purchase and hold real and personal estate; *provided,* the real estate of said corporation shall not exceed the value of thirty thousand dollars, and the income from their personal estate, shall not exceed three thousand dollars per annum.

May hold real
and personal es-
tate, to a certain
limit.

First Meeting.

Officers to be
chosen.

By-Laws.

SEC. 2. *Be it further enacted,* That the said John B. Brown be, and he is hereby authorized to call the first meeting of said corporation, by giving public notice in any newspaper printed in Boston, of the place and time of meeting, at least four days previous to such meeting; and that the above named persons, or such of them as shall be present at said meeting, shall organize said corporation, by electing a presiding officer, to be called President, and a Board of Trustees consisting of five persons, also a Treasurer and a Clerk; and at the said meeting, by-laws shall be established, providing for the admission of associates, and the mode of calling future meetings of said corporation: and that at any future meeting, such by-laws, rules, and regulations may be adopted for the furtherance of the objects of the institution, as a majority of the members of said corporation may deem expedient; *provided,* the same be consistent with the laws of this Commonwealth.

[Approved by the Governor, January 28th, 1822.]

CHAP. XXXVIII.

An Act in addition to an Act, entitled "An Act defining the general powers and duties of Manufacturing Corporations."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That every person who shall become a member of any manufacturing corporation, which may hereafter be established within this Commonwealth, shall be liable, in his individual capacity, for all debts contracted during the time of his continuing a member of such corporation. Liability of Individuals.

[Approved by the Governor, January 28th, 1822.]

CHAP. XXXIX.

An Act to incorporate the First Baptist Society, in Southbridge.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Luther Ammidon, Barzillai Baylies, Elisha Coles, Jacob Edwards, Samuel Fish, 2d, William Haskell, Nicholas Jenks, Alpha Morse, Moses Putney, Ichabod Robbins, Abisha Sabin, Luther Travis, Joshua Vinton, and Caledonia West, together with their associates and successors, with their families, polls and estates, be, and they are hereby incorporated, by the name of the First Baptist Society, in Southbridge, with all the powers and privileges to which parishes and other religious societies are entitled by the constitution and laws of this Commonwealth. Persons incorporated. General powers.

SEC. 2. *Be it further enacted,* That the said society be, and is hereby empowered to sell or lease the pews May sell pews.

in the meeting house belonging to the said society, and give deeds to convey the same. And all deeds and conveyances of, and all executions extended on the pews in the said meeting house, shall be recorded by the Clerk of said society; and being so recorded, shall be considered valid in law.

SEC. 3. *Be it further enacted*, That any three of the persons named in this act, or either of them, may call the first meeting of said society, by posting up a notification at said meeting house, giving at least seven days notice of the time, place, and purpose of such meeting; and being so met, the society may agree on the mode of calling and notifying future meetings.

[Approved by the Governor, January 29th, 1822.]

CHAP. XL.

An Act incorporating the Andover Mechanic Association.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Enoch Frye and Abraham J. Gould, and their associates and successors be, and they hereby are incorporated, by the name of the Andover Mechanic Association, with power to have and use a common seal, to make by-laws for the management of said corporation and its funds, and for the purpose of promoting inventions and improvements in the mechanic arts, by granting premiums, to assist mechanics with loans of money, and to relieve the distresses of unfortunate mechanics and their families, and to have all the privileges usually given by acts of incorporation to charitable societies.

SEC. 2. *Be it further enacted*, That the said corporation may take and hold real estate, not exceeding in value two thousand dollars, and personal estate not exceeding ten thousand dollars.

First Meeting.

Persons incorporated.

General powers, and regulations.

May hold real estate.

SEC. 3. *Be it further enacted*, That Enoch Frye, and Abraham J. Gould, are hereby authorized to call the first meeting of said corporation, at such time and place as they shall appoint, by giving personal notice to each of their associates; at which meeting, by-laws may be made, and the mode of calling future meetings regulated. First Meeting.

SEC. 4. *Be it further enacted*, That this act may be amended, revised, and repealed, at the pleasure of the Legislature. Reservation of legislative power.

[Approved by the Governor, January 29th, 1822.]

CHAP. XII.

An Act to provide for carrying into effect certain stipulations in the Act for erecting the District of Maine into a Separate State.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Commissioners appointed by virtue of the act, entitled "an act relating to the Separation of the District of Maine from Massachusetts Proper, and forming the same into a Separate and Independent State," passed the nineteenth day of June, in the year of our Lord one thousand eight hundred and nineteen, shall each be entitled to, and receive, as a compensation for their services, five dollars a day, for the time they shall be actually engaged in executing the duties assigned them, by virtue of said act; and for their necessary travel in and about the same, a like sum for every thirty miles travel, the same to include as well their past, as future services; the aforesaid compensation to be in full for their expenses, as well as their services. Pay of Commissioners.

SEC. 2. *Be it further enacted*, That upon the said Commissioners, or a major part of them, certifying to His Excellency the Governor, an account of their tra- Certificate of services required.

vel and attendance upon said services, at the rates aforesaid, His Excellency the Governor, by and with the advice and consent of the Council, be, and he hereby is authorized and empowered to draw his warrant on the Treasurer of this Commonwealth, for the one half of the amount of such account, in favor of said Commissioners, as shall, by such certificate and account, appear to be entitled to receive the same.

SEC. 3. *Be it further enacted*, That for defraying the one half of the expense of surveying the lands in the State of Maine, to be surveyed and divided, the charges attending said survey, and also for defraying the one half of the compensation of the Secretary of said Commissioners, and paying for the stationary to be used by them, exclusive of the pay, and personal expenses of said Commissioners, the sum of three thousand dollars be, and hereby is appropriated, as a contingent fund.

Fund for expenses of service.

SEC. 4. *Be it further enacted*, That when the said Commissioners, or a major part of them, shall request the same, His Excellency the Governor, by and with the advice and consent of the Council, be, and hereby is authorized and requested to draw his warrant, from time to time, for such sum or sums of money, not exceeding said three thousand dollars, as they shall certify to be necessary for the purposes mentioned in the third section of this act, in favor of such person or persons, as they shall direct.

Provision for excess of expenses.

SEC. 5. *Be it further enacted*, That the Secretary be, and he hereby is directed, as soon as may be, to transmit to the Secretary of the State of Maine, a copy of this act. And in case the said State of Maine shall provide a like compensation for said Commissioners on their part, and make adequate provision for defraying the one half of the expense, provided for in the third section of this act, the same shall be in force; but until such provision shall be made, shall be deemed and taken to have no effect.

Conditional engagements.

[Approved by the Governor, January 29th, 1822.]

CHAP. XLII.

An Act to annex Zebina Kingsbury and his estate, to the East Parish in Medway.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Zebina Kingsbury, of Medway, in the County of Norfolk, with his family and estate, be, and they are hereby set off from the West Parish, and annexed to the East Parish in Medway aforesaid; *provided*, that the said Kingsbury shall be holden to pay all taxes assessed upon him, by the said west parish, due and unpaid, before the passing of this act. Condition of change.

[Approved by the Governor, January 29th, 1822.]

CHAP. XLIII.

An Act to incorporate the Franklin Bank.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Leavett, Lyman Kendall, Eliel Gilbert, Sylvester Allen, Rufus Stratton, Jonathan Nevers, Franklin Ripley, Thomas W. Ripley, and Job Goodale, their associates, successors, and assigns, shall be, and hereby are created a corporation, by the name of the Franklin Bank; and shall so continue, from the passing of this act, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty one. And the said corporation shall always be subject to the rules, restrictions, limitations, taxes, and provisions, and be entitled to the same rights, privileges, and immunities, which are contained in an act, entitled "an act to incorporate the President, Directors Persons incorporated.

Limitation of charter.

Legislative restrictions.

and Company of the State Bank," except in so far as the same are modified or altered by this act, as fully and effectually, as if the several sections of said act, were herein specially recited and enacted: *Provided, however,* the amount of bills issued from said bank, at any time, shall not exceed fifty per centum of the amount of their capital stock actually paid in.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation, shall consist of the sum of one hundred thousand dollars, in gold and silver, to be, beside such part as this Commonwealth may subscribe, in manner hereafter mentioned, divided into shares of one hundred dollars each, which shall be paid in two equal instalments; the first, on or before the first Monday of September next, and the second on the first Monday of September thereafter, or at such earlier time as the stockholders, at any meeting, may order. And no stockholder shall be allowed to borrow at said bank, until he shall have paid in his full proportion of the whole of said capital stock of one hundred thousand dollars; and that no dividend shall be declared on the capital stock of said bank, until the whole of said capital stock shall have been paid in, conformably to the provisions of this act. And the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof; which, being entered in the books of said corporation, shall be binding on the stockholders, their successors, and assigns, until they shall otherwise determine. And the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain, to them, their successors, and assigns, lands, rents, tenements, and hereditaments, to the amount of ten thousand dollars, and no more, at one time; with power to bargain, sell, dispose, and convey the same by deed, under the seal of said corporation, and signed by the President, or two of the Directors; and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think advisable: *Provided, however,* that nothing herein contained, shall restrain or prevent said corporation from taking and holding

Proviso.

Capital stock.

Division of
Shares.Payment of
Shares.

Dividends.

Transfer of
Stock.May hold real es-
tate.

Loans.

real estate in mortgage, or on execution, to any amount, as security for, or in payment of any debts, due to the said corporation: *And provided, further*, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital stock subscribed, and actually paid in, and existing in gold and silver, in their vaults, shall amount to fifty thousand dollars. Proviso.

SEC. 3. *Be it further enacted*, That the said bank shall be established and kept in the Town of Greenfield; that the number of Directors shall be five, and three shall constitute a quorum for transacting business. Location.

SEC. 4. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth, any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter period, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum: *Provided, however*, that the Commonwealth shall never stand indebted to the corporation, without their consent, for a larger sum than twenty per centum of their capital actually paid in. Loans to the State.

SEC. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at Greenfield, by advertising the same for one week, in the Franklin Herald, for the purpose of making, ordaining, and establishing such by-laws, ordinances, and regulations, as the stockholders shall deem necessary, and for the choice of the first Board of Directors, and such other officers, as they shall see fit to choose. Proviso.

SEC. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe on account of the Commonwealth, a sum not exceeding one half of the capital stock actually paid in, to be added to the capital stock of said corporation; subject to such rules, regulations, and provisions, as to the First Meeting.

State may subscribe to stock.

management thereof, as shall, by the Legislature, be made and established.

SEC. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the Directors, by law, to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of Directors to said bank, in proportion as the sum paid from the Treasury of the Commonwealth, shall bear to the whole amount of stock actually paid into the said bank, if at any time hereafter, they shall see fit to exercise that right.

State may appoint a proportion of the Directors.

SEC. 8. *Be it further enacted*, That the Cashier, before he enters on the duties of his office, shall give bond, with two sureties to the satisfaction of the Board of Directors, in a sum not less than twenty thousand dollars, with conditions for the faithful discharge of the duties of his office.

Cashier to give bonds.

SEC. 9. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay, by way of tax, to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of April and October, annually, the half of one per centum on the amount of stock which shall have been actually paid in.

State Bank Tax.

SEC. 10. *Be it further enacted*, That the said corporation shall be liable to pay any bona fide holder, the original amount of any note of said bank, counterfeited, or altered, in the course of its circulation, to a larger amount, notwithstanding such alteration. And that said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay, or exchange, any bill or note of said bank, or of any other bank, incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

Shall not trade in exchange.

[Approved by the Governor, January 29th, 1822.]

CHAP. XLIV.

An Act to incorporate the President, Directors and Company of the Middlesex Bank.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Abiel Heywood, Isaac Hurd, Nathan Barrett, Francis Jarvis, Josiah Davis, Joseph Barrett, John Adams, John Keyes, Nathan Brooks, Daniel Shattuck, Samuel Burr, John Abbot, Moses Prichard, Reuben Brown, Junior, Joel Adams, and Isaac Fiske, their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the Middlesex Bank; and shall so continue until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty one: And the said corporation shall always be subject to the rules, restrictions, limitations, taxes, and provisions, and be entitled to the same rights, privileges, and immunities, which are contained in an act, entitled "an act to incorporate the President, Directors and Company of the State Bank;" excepting so far as the same are modified or altered by this act, as fully and effectually, as if the several sections of said act, were herein specially recited and enacted: *Provided, however,* that the amount of bills issued from said bank, at any time, shall not exceed fifty per centum beyond the amount of the capital stock actually paid in.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall consist of the sum of one hundred thousand dollars, in gold and silver, to be, besides such part as this Commonwealth may subscribe, in manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in four equal instalments; the first, on or before the first day of August next; the second, on or before the first day of October next; the third, on or before the first day of June, eighteen hundred and twenty

three; the fourth, on or before the first day of August, eighteen hundred and twenty three, or at such earlier time, as the stockholders, at any meeting thereof, may order. And no such stockholder shall be allowed to borrow at said bank, until he shall have paid in his full proportion of the whole of said capital stock of one hundred thousand dollars; and no dividend shall be declared on the capital stock of said bank, until the whole of said capital stock shall have been paid in, conformably to the provisions of this act. And the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof; which being entered on the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine. And the said corporation are hereby made capable, in law, to have, hold, purchase, receive, possess, enjoy, and retain to them, their successors and assigns, lands, rents, tenements and hereditaments, to the amount of ten thousand dollars, and no more, at one time; with power to bargain, sell, dispose, and convey the same by deed, under the seal of said corporation, and signed by the President, or two of the Directors, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think advisable: *Provided, however*, that nothing herein contained, shall restrain or prevent said corporation from taking and holding real estate, in mortgage, or on execution, to any amount, as security for, or in payment of, any debts due to the said corporation; *and, provided further*, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed, and actually paid in, and existing in gold and silver, in their vaults, shall amount to fifty thousand dollars.

SEC. 3. *Be it further enacted*, That the said bank shall be established, kept, and transact their business at Concord; and four of the Directors thereof, at least, shall be inhabitants of Concord.

SEC. 4. *Be it further enacted*, That the Board of Directors shall consist of seven persons.

Stocks may be transferred.

May hold real estate.

Provisos.

Location of the Bank.

SEC. 5. *Be it further enacted*, That, whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth, any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter period, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum: *Provided, however*, that the Commonwealth shall never stand indebted to the corporation, without their consent, for a larger sum than twenty per centum of their capital stock actually paid in. State loans.

SEC. 6. *Be it further enacted*, That any three of the persons before named, are authorized to call a meeting of the members and stockholders of said corporation as soon as may be, at Concord, by advertising the same for two weeks, at two public places in said town, and in any newspaper printed in the town of Boston, for the purpose of making, ordaining, and establishing such by-laws, ordinances, and regulations, as the said stockholders shall deem necessary, and for the choice of the first Board of Directors, and such other officers, as they shall see fit to choose. First Meeting.

SEC. 7. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe on account of the Commonwealth, a sum not exceeding one half of the capital stock actually paid in, to be added to the capital stock of said corporation, subject to such rules, regulations, and provisions, as to the management thereof, as shall, by the Legislature, be made and established. State may subscribe to stock.

SEC. 8. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the Directors, by this act to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of Directors of said bank, in proportion as the sum paid from the Treasury of the Commonwealth shall bear to the whole amount of stock actually paid into said bank, if at any time hereafter, they shall see fit to exercise that right. State Directors.

Cashier to give
bonds.

SEC. 9. *Be it further enacted*, That the Cashier, before he enters upon the duties of his office, shall give bond, with two or more sureties, to the satisfaction of the Board of Directors, in a sum of not less than twenty thousand dollars, with conditions for the faithful discharge of his office.

State Bank Tax.

SEC. 10. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay, by way of tax, to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of April and October, annually, the half of one per centum on the amount of stock which shall have been actually paid in.

Shall not trade
in exchange.

SEC. 11. *Be it further enacted*, That the said corporation shall be liable to pay to any bona fide holder, the original amount of any note of said bank, counterfeited or altered, in the course of its circulation, to a larger amount, notwithstanding such alteration: And that the said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay, or exchange, any bill or note of said bank, or of any other bank, incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

[Approved by the Governor, January 29th, 1822.]

CHAP. XLV.

An Act to establish the Barre Turnpike Corporation.

Persons incorpo-
rated.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Seth Lee, Ephraim Wilson, Anson Bates, Nathaniel Houghton, Samuel Lee, and Peter Harwood, together with such others as have associated, or may hereafter associate with them, their successors and assigns, be, and hereby are made a corporation, by the name of the Barre Turn-

pike Corporation, for the purpose of making a turnpike road from the Common, near the meeting house in Barre; thence easterly, in the best course to Hubbardston line; thence through the southerly part of Hubbardston, in the best direction to Princeton line; thence, in the best course, through part of Princeton, and through the land of David Rice; and thence through land of Jason Woodward, to a road crossing a town road, and to a road leading to Edward Goodenow's; and shall have the right to erect one gate, and receive such rates of toll as are, or may be provided by law, for one whole toll turnpike gate; and shall have all the powers and privileges, and shall also be subject to all the duties, requirements, and penalties, prescribed and contained in an act, entitled "an act defining the general powers and duties of turnpike corporations," and the several acts in addition thereto.

Direction of the
road.

General powers.

Legislative re-
strictions.

[Approved by the Governor, February 5th, 1822.]

CHAP. XLVI.

An Act to incorporate the Merrimack Manufacturing Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Kirk Boott, William Appleton, John W. Boott, and Ebenezer Appleton, their associates, successors, and assigns, be, and they hereby are made a corporation, by the name of the Merrimack Manufacturing Company, for the purpose of manufacturing and printing cotton goods, at Chelmsford, in the County of Middlesex; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations."

Persons incorpo-
rated.

General powers.

Limitation of
Capital.

SEC. 2. *Be it further enacted*, That the capital stock of said corporation, shall not exceed the sum of six hundred thousand dollars; and they may be lawfully seized and possessed of such real estate, as may be necessary and convenient for the purpose aforesaid, not exceeding the value of one hundred thousand dollars, exclusive of buildings, and improvements that may be made thereon, by the said corporation.

Personal liability.

SEC. 3. *Be it further enacted*, That every person who shall become a member of said corporation, shall be liable in his private capacity, after his membership may have ceased, for all debts contracted during the time he was a member of said corporation.

[Approved by the Governor, February 6th, 1822.]

CHAP. XLVII.

An Act to incorporate the Edgarton Wharf Company, in the Town of Edgarton, in the County of Dukes' County.

Persons incorporated.

Boundaries.

Improvements may be made.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Thomas Jernegan, Junior, and Jeremiah Pease, of Edgarton, and such other persons as already have, or may hereafter, associate with them, their successors and assigns, be, and hereby are made a corporation, by the name of the Edgarton Wharf Company, for the purpose of erecting a wharf, upon land now owned by Thomas Jernegan, Junior and Jeremiah Pease; said wharf to extend from the upland towards the channel, where there shall be a depth of water equal to that at the wharves now erected in said Edgarton. And the said Thomas Jernegan, Junior and Jeremiah Pease, or their successors and assigns, may make such improvement upon the said land and wharf, and so maintain the same, as shall be deemed expedient to promote the interest of said cor-

poration, consistently with the public convenience; *provided*, said improvement be not repugnant to the Proviso, constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real estate, not exceeding fifty thousand dollars, and such personal estate, not exceeding thirty thousand May hold real estate. dollars in value, as may be necessary and convenient for conducting the business of the company; and shall have all the powers and privileges, and be subject to all the duties, requirements, and penalties, contained General powers. in the act, passed on the third day of March, in the year of our Lord eighteen hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and of the several acts in addition thereto.

[Approved by the Governor, February 6th, 1822.]

CHAP. XLVIII.

An Act to incorporate the Proprietors of Nahant Hotel, in the Town of Lynn.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Thomas H. Perkins Persons incorporated. and William Payne, and their associates, successors, and assigns, be, and they hereby are constituted a body politic and corporate, by the name of the Proprietors of Nahant Hotel: And the said corporation, by the same name, are hereby declared and made capable in law, to sue and be sued, to plead and be impleaded; to have a common seal, and the same to General powers. alter and renew at pleasure; to make rules and by-laws for the regulation and management of the estate herein after described, consistent with the laws of the Commonwealth; and generally, to do and execute whatever, by law, shall appertain to bodies politic.

May hold Real
Estate.

Provisos.

Legislative reser-
vation.

Corporate shares

Shares transfer-
able.

SEC. 2. *Be it further enacted*, That the said corporation be, and hereby is declared capable to have, hold, and possess certain real estate, situate at Nahant, in the Town of Lynn, consisting of about twenty acres of land, now owned by said Thomas H. Perkins and others, together with all the rights, privileges, and appurtenances thereof; *provided*, the lawful proprietors thereof shall legally convey the same to said corporation: And the said corporation shall have power to sell, grant and alien, in fee simple or otherwise, their corporate property, or any part thereof, within the said described limits, and lease, manage, and improve the same, according to the will and pleasure of the said corporation, to be expressed at any legal meeting: *Provided, always*, and it is hereby well understood, that nothing herein contained shall be construed into any grant or confirmation of title to land, in the said associates or corporation, or into any authority to extend the dimensions of said land, beyond the title and authority which the present proprietors thereof now have and possess in this behalf: *Provided*, that this act of incorporation shall be liable to be repealed, whenever the Legislature shall deem it expedient, that the corporation hereby created, should be abolished.

SEC. 3. *Be it further enacted*, That the said corporate property shall be divided into shares, not exceeding three hundred in number, as the said corporation find to be most expedient; and said shares shall be divided among the several proprietors, according to the interest and portions which they may, respectively, have in said corporate property; and certificates of such shares shall be signed by the President of the corporation, and issued to the proprietors accordingly: And the shares in said corporation shall be transferable by endorsement on the back of said certificate, and the property in said shares shall be vested in the assignee or vendee thereof, when a record shall be made thereof by the Clerk of the corporation, and new certificates shall be issued accordingly; and such shares shall, in all respects, be considered as personal estate.

SEC. 4. *Be it further enacted*, That the said corpo-

ration shall have power, from time to time, to assess Assessments. such sums of money as may be deemed necessary, for rebuilding or repairing any buildings whatever, or other property of said corporation, or for the improvement or good management of the corporate estate, agreeably to the true intent and meaning of this act. And in case any proprietor shall refuse or neglect to pay any assessment, the said corporation may cause Shares of delinquents may be sold. such of the shares of such proprietor, as may be sufficient therefor, to be sold at public auction, after ten days notice, to the highest bidder; and after deducting the amount assessed and unpaid, together with the charges of sale, the surplus, if any, shall be paid over to such proprietor; and the purchaser of such share or shares, so sold, shall be entitled to, and receive a certificate of the share or shares, by him purchased, accordingly.

SEC. 5. *Be it further enacted,* That the corporate property which the said corporation shall have and hold, at one time, in virtue of this act, shall not exceed in value the sum of forty thousand dollars; and in all meetings of the members of said corporation, for the Corporate property. transaction of business, each member or proprietor, shall be entitled to one vote for every share by him held in said corporation; *provided, always,* that no one member shall ever be entitled to more votes than shall be equal to one third part in value of the corporate Proviso. property: *And provided, further,* that no assessment shall be made at any meeting, unless the same shall be agreed to by two thirds, at least, in number and value of those present or represented at such meeting; nor unless public notice shall have been given, at least, ten days previous to such meeting, of the purpose of such meeting, by publication thereof in one or more newspapers printed in Boston. Proprietors may appear and act at any meeting, by proxy, in writing.

SEC. 6. *Be it further enacted,* That whenever any action shall be commenced against this corporation, or whenever any execution may issue against said corporation, on any judgment rendered in any civil action, and the said corporation shall not, within fourteen days after demand thereof made upon the President,

Treasurer, or Clerk of said corporation, by the officer to whom the writ or execution, against said corporation, has been committed to be served, shew to the same officer, sufficient real or personal estate to satisfy any judgment that may be rendered upon such writ, or to satisfy and pay the creditor the sums due upon such executions, then and upon such neglect and default, the officer, to whom such writ or execution may have been committed for service, shall serve and levy the same writ or execution upon the body or bodies, and real and personal estate or estates, of any member or members of said corporation.

Personal liability.

SEC. 7. *Be it further enacted*, That the share or shares of each and every member of said corporation, shall be liable to attachment on mesne process, at the suit of any creditor, and may be taken on execution, and sold according to law, to satisfy any judgment which may be recovered against the members of said corporation respectively, in their respective private capacities, in like manner as shares in other corporations within this Commonwealth, are liable to attachment and seizure on execution; and the proceeds of sale shall be applied, as in such cases is provided by law, concerning shares of proprietors, in other corporations.

Shares liable to attachment.

SEC. 8. *Be it further enacted*, That either of them, the said Perkins or Payne, may call a meeting of said corporation, by advertising the same in any of the newspapers printed in Boston, ten days, at least, before the time of meeting; and that the said corporation may, at such or any other meeting, agree on the mode of calling other meetings, and shall elect a President and Clerk, and may elect all such other officers, as said corporation may think fit, for conducting and managing the corporate affairs and estate, and the same may change and remove, as said corporation shall see fit.

First Meeting.

Officers of the Corporation.

[Approved by the Governor, February 6th, 1822.]

CHAP. XLIX.

An Act in addition to an Act, entitled "An Act for the better security of the Town of Charlestown against Fire."

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all public buildings to be erected or built after the passing of this act, on the peninsula of the Town of Charlestown, divided from the main land, by a line, beginning at the Mill Pond, where the Middlesex Canal empties into it, thence by the easterly margin of said canal, to the southerly corner of the bridge over the same, at the county road; thence by a line drawn from the southerly corner of said bridge, north-north east, to Mistic River, shall have their roofs slated, and the external sides and ends made of brick or stone, except so much as may be necessary for doors and windows. And all buildings more than sixteen feet high, from the under part of the sill to the highest part of the roof, and not of brick or stone, to be erected on said peninsula, shall be built as follows, viz.: If the end of such building stand to the street, the back, except convenient windows and doors, shall be built of brick or stone, with a battlement at least one and an half feet above the highest part of the roof; if the front stand to the street, the ends, except convenient windows and doors, shall be built of brick or stone, and shall rise in battlements at least three feet above the roof: And all buildings shall be considered as standing on the street, within the intent of this act, which shall be built within fifty feet thereof. And if the building do not stand on any street, then the manner of building the brick or stone part of such building, shall be, in every case, determined by the Selectmen of said town, to whom the person or persons intending to build, shall apply for that purpose. And all such sides and ends of buildings, whether of brick or stone, shall be at least twelve inches thick, in the lower story, and eight inches thick,

Roofs to be slated.

Description of Buildings.

Partition Walls.

Restrictions in
building.

above the lower story. And all double houses, viz.: Where two houses join together, of whatever height or dimensions, shall have a partition wall of brick or stone, at least twelve inches thick, rising in battlements, not less than three feet above the roof. And every house shall be provided with a safe railing on its roof, and with a scuttle through the roof, having a conveyance to and through it. And the making of additions to buildings, and the removing of buildings, shall be considered to be the erecting of new buildings, within the intent of this act.

Provisu.

SEC. 2. *Be it further enacted*, That all buildings not of brick or stone, to be erected on the peninsula aforesaid, not exceeding sixteen feet, from the under part of the sill to the highest part of the roof, shall be built in the following manner, viz.: The posts of such building or buildings shall not exceed ten feet in height, measuring from the bottom of the sill to the top of the plate, and the pitch of the roof or roofs thereof, shall not exceed one third pitch; such roof or roofs to be of a regular slope, from the plate to the top thereof, and no windows shall be made in such roofs. And no such wooden building shall cover more than eight hundred square feet of ground; and the distance from the natural surface of the ground, to the bottom of the sill, shall not exceed one foot: *Provided, nevertheless*, that when any such wooden building shall be erected on the side of a hill, it shall be lawful to erect a basement story of brick or stone, except convenient doors and windows; such basement story not to exceed nine feet in height, from the natural surface of the ground on the lower side, and not exceeding one foot above the natural surface of the ground on the upper side: *Provided, also*, that upon any wharf, marsh, or other place, where foundations of brick or stone would be very expensive, such wooden buildings may be erected, as the Selectmen in each particular case, shall in writing, permit. But the external sides and ends of such buildings, shall be covered with some incombustible composition, if such buildings be more than sixteen feet in height.

Stables.

SEC. 3. *Be it further enacted*, That the external sides and ends of all stables to be erected on said pe-

ninsula, for public accommodation, shall be built of brick or stone, except convenient doors and windows; and no wooden building already erected, and not now used for that purpose, shall ever hereafter, be so occupied.

SEC. 4. *Be it further enacted*, That the first section of an act, entitled “an act for the better security of the Town of Charlestown against fire,” to which this is in addition, is hereby repealed: *Provided*, that all offences, except those of removing or adding to buildings, committed contrary to the provisions of said first section, before the repeal thereof, shall and may be prosecuted, and be liable in the same manner, as if said first section had not been repealed. And all violations of this act shall be prosecuted in like manner and subject to the same penalties, as are provided in the second and third sections of the act, to which this is in addition. And it shall be the duty of the Clerk of the market, or acting Police Officer of said town, or such other person as the Selectmen may appoint, to inquire after and give information to the Attorney or Solicitor General, of all offences which may be committed contrary to the intent of this act.

Provisionary repeal of former act.

[Approved by the Governor, February 5th, 1822.]

CHAP. L.

An Act to incorporate the Old Colony Manufacturing Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Thomas Hobart, Daniel Mitchell, Theodore Mitchell, Caleb F. Leonard, and John Goulding, with such others as have already associated, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Old Colony Manu-

Persons incorporated.

General powers. manufacturing Company, for the purpose of manufacturing iron, and cotton and woollen goods, in the Town of Halifax, in the County of Plymouth; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act, entitled "an act defining the general powers and duties of manufacturing corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine, and the several acts in addition thereto.

May hold Real Estate. SEC. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate, not exceeding in value one hundred thousand dollars, and such personal estate, not exceeding in value two hundred thousand dollars, as may be necessary and convenient for carrying on the manufactures aforesaid.

First Meeting. SEC. 3. *Be it further enacted*, That the persons herein before named, or any three of them, are hereby authorized and empowered to call the first meeting of the members of said corporation, at such time and place, as they may see fit to appoint, by advertising the same in any newspaper printed in the Town of Boston, for the purpose of making, ordaining, and By-Laws. establishing such by-laws and regulations, for the orderly conducting the affairs of said corporation, as the said members shall deem necessary, and for the choice of all such officers, as they may see fit to choose.

[Approved by the Governor, February 6th, 1822.]

CHAP. LI.

An Act increasing the numbers and extending the powers of Justices of the Courts of Sessions.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there shall be appoint-

ed by the Governor, with the advice and consent of ^{Appointment of Justices.} Council, two Special Justices for every Court of Sessions established in this Commonwealth, by an act, entitled "an act to establish Courts of Sessions," passed on the twentieth day of February, in the year of our Lord one thousand eight hundred and nineteen, to act as Justices of said Courts, whenever the Standing Justices thereof, from any cause, shall be unable to hear and determine any matter or thing pending before them.

SEC. 2. *Be it further enacted,* That whenever the Standing Justices of the Courts of Sessions aforesaid, shall be unable to hear and determine any matter or thing before them, the cause shall be assigned on the record, and a summons shall issue from the Court, or any Justice thereof, requiring one or both of the ^{Special Justices.} said Special Justices, as the necessity of the case may require, to attend as members of the Court of Sessions, at the time and place therein set forth: *Provided*, that in all cases, where the attendance of one only of the said Special Justices shall be necessary, the selection shall be made by lot, by the Sheriff, either of his Deputies, or any Coroner of the county, assisted by the Clerk of the Sessions.

SEC. 3. *Be it further enacted,* That the said Special Justices shall have the same power and the same pay, as the Standing Justices of the Sessions, so long ^{Power of Justices.} as it shall be necessary for them to attend and officiate with the Court; but they are at no time to attend and officiate with the Court, on any matters and things, which the Standing Justices thereof, are able to determine without them.

SEC. 4. *Be it further enacted,* That all the power, authority and discretion, which is now vested in the Courts of Common Pleas for this Commonwealth, in virtue of the third section of the act, entitled "an act relating to the punishment of convicts, who may be ^{Extension of power.} sentenced to solitary imprisonment and confined to hard labor," be, and the same is hereby vested in, and transferred to the aforesaid Courts of Sessions.

[Approved by the Governor, February 6th, 1822.]

CHAP. LII.

An Act respecting the Courts of Probate in the County of Norfolk.

Probate Meetings.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the first day of April next, there shall be four terms of the Court of Probate holden in the First Parish in Wrentham, in the County of Norfolk, in each year successively, at such times and places, as the Judge of Probate for said county, or his successor in office, shall appoint.

Repeal of former acts.

SEC. 2. *Be it further enacted,* That all such parts of any acts heretofore passed, as relate to the holding Courts of Probate in the Town of Wrentham aforesaid, be, and the same are hereby repealed.

[Approved by the Governor, February 6th, 1822.]

CHAP. LIII.

An Act to incorporate the Middlesex Manufacturing Company.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Thomas Hurd, Seth Knowles, Joseph Hurd, John Skinner, and William Hurd, their associates, successors and assigns be, and they are hereby incorporated, by the name of the Middlesex Manufacturing Company, for the purpose of making woollen and cotton cloth, at Chelmsford, in the County of Middlesex; and for the purpose aforesaid, they shall have all the powers and privileges, and be subject to all the duties and requirements con-

tained in an act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled “an act defining the general powers and duties of manufacturing corporations,” and the several acts in addition thereto. General powers.

SEC. 2. *Be it further enacted*, That the capital stock of said corporation, shall not exceed three hundred thousand dollars; but they may lawfully be seized of real estate, not exceeding in value, thirty thousand dollars, exclusive of buildings and improvements for the necessary and convenient purposes of said manufactory. Capital Stock.

[Approved by the Governor, February 6th, 1822.]

CHAP. LIV.

An Act in addition to an Act, entitled “An Act determining the places for holding the Courts of Probate, and the town in which the Register of Probate shall keep his Office, within and for the County of Franklin.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, there will be holden within and for the County of Franklin, in each year, a Court of Probate at the places hereafter mentioned, viz.: at Greenfield six times, instead of eight times, as now provided by law; and at Warwick twice, at such times and places in said towns, as the Judge of Probate for the same county, shall appoint and direct. Probate Meetings.

[Approved by the Governor, February 7th, 1822.]

CHAP. LV.

An Act in addition to an Act, entitled "An Act to ascertain the quality of Pot and Pearl Ashes, and for the more effectual inspection of the same."

Imported Ashes
may be shipped
without being re-
inspected.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That whenever any pot or pearl ashes, shall have been imported into this Commonwealth, from any of the United States, in which laws exist providing for the inspection of the same, in the manner prescribed by the law, entitled "an act to ascertain the quality of pot and pearl ashes, and for the more effectual inspection of the same," may, from and after the passing of this act, be exported without having been reinspected in this Commonwealth, any thing in said act to the contrary, notwithstanding: *Provided, however,* that the said pot and pearl ashes shall be accompanied by a certificate of inspection, signed by an Inspector, duly appointed under the authority of the State from whence they shall be imported, describing the quality and weight of the same; *and provided, also,* that the casks containing the pot and pearl ashes so imported, shall be branded with the name of the State, from which the same shall have been imported, and in all respects made conformably to law.

CHAP. LVI.

An Act to incorporate the Goodell Manufacturing Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Goodell, Asa

Goodell, Asa Goodell, Junior, Orra Goodell, and Jonas B. Brown, together with such others as now have associated, or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Goodell Manufacturing Company, for the purpose of manufacturing woolen and cotton yarn and cloth, in the Town of Millbury, in the County of Worcester; and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements, prescribed and contained in an act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

Persons incorporated.

General powers.

SEC. 2. *Be it further enacted*, That the said Goodell Manufacturing Company, in their corporate capacity, may lawfully hold and possess such real and personal estate, as may be necessary and convenient for carrying on the said manufactures; *provided*, that the value of such real estate shall not exceed the sum of fifty thousand dollars, and the value of such personal estate shall not exceed the sum of one hundred and fifty thousand dollars.

May hold real and personal estate.

Limitation of the Capital Stock.

[Approved by the Governor, February 7th, 1822.]

CHAP. LVII.

An Act to incorporate the Proprietors of the Riding School, in Boston.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Sullivan, Moses Wheeler, Henry Gassett, Patrick T. Jackson, Thomas Williams, John C. Warren, James Jackson, Theodore Lyman, Junior, with their associates, successors and assigns, shall be, and they hereby are

Persons incorporated.

General powers.

By-Laws.

May hold Real Estate.

Legislative restrictions.

made a corporation, by the name of the Proprietors of the Riding School; and by that name, are hereby made capable in law, to sue and be sued, to plead and be impleaded, defend and be defended, in any Court of Record, or any other place whatsoever; and, also, to make and use a common seal, and the same to alter and renew at pleasure; and, also, to appoint a Treasurer and Clerk, with such other officers as they may think expedient; and, also, to establish and put into execution, such by-laws and regulations as to them shall appear necessary and convenient, for the government of said corporation, and the prudent management of their affairs; *provided*, the same be not repugnant to the laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That said corporation are hereby made capable, in law, to hold and possess, for the purposes aforesaid, real estate to the amount of fifteen thousand dollars, and personal estate to the amount of five thousand dollars; and shall have all the powers and privileges, and be subject to all the duties, and requirements and penalties, contained in the act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto. The present act shall be liable to a repeal, whenever the Legislature may deem it expedient that the corporation should be abolished.

[Approved by the Governor, February 7th, 1822.]

CHAP. LVIII.

An Act to establish the Merrimack Academy.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there be, and hereby is established in the East Parish of Bradford, in the

County of Essex, an academy, by the name of Mer- Name and Title.
rimack Academy, for the purpose of promoting piety,
religion and morality, and for the education of youth
of both sexes, in such languages and in such of the
liberal arts and sciences, as the Trustees hereinafter
named, shall direct.

SEC. 2. *Be it further enacted*, That the Reverend
Gardner B. Perry, Benjamin Parker, M. D., Moses
Parker, Esquire, William Greenough, Jeremiah Spof-
fard, M. M. S., Ebenezer Rollins, Esquire, Captain Trustees.
George Savory, Captain Samuel Tenney and Phineas
Parker, Esquire, be, and they are hereby nominated
and appointed Trustees of the said academy; and they
are hereby incorporated into a body politic, by the
name of the Trustees of Merrimack Academy, in the
County of Essex; and they and their successors shall
be, and continue a body politic and corporate, by the
same name, forever. And the said Trustees shall
have and keep a common seal, which they may break,
alter, or renew, whenever they may find it necessary General powers.
or convenient; and that all deeds signed, and sealed
with such seal, and delivered and acknowledged by the
Secretary of the said corporation, by order of the Trus-
tees, shall be good and valid in law; and that the said
Trustees may sue and be sued in all actions, real, per- May sue and be
sued.
sonal and mixed, and prosecute and defend the same,
to final judgment and execution, by the name of the
Trustees of Merrimack Academy. And the number
of Trustees shall never exceed twelve, nor be less
than nine, and five shall constitute a quorum for doing
business.

SEC. 3. *Be it further enacted*, That the Trustees
aforesaid, and their successors, be, and they hereby
are rendered capable in law, to take and hold by gift,
grant or devise, bequest or otherwise, any lands, tene-
ments, or other estate, real or personal, which hereto- May hold real
and personal es-
tate.
fore may have been given or subscribed, or which may
hereafter be given or subscribed, for the purpose afore-
said; *provided*, the annual income thereof shall not Proviso.
exceed the sum of six thousand dollars; and they
may sell and dispose of the same, and apply the rents,
issues and profits thereof in such manner as the end
and design of the said institution, in their discretion,
may require.

Election of officers.

Removal of officers.

Rules and Orders.

First Meeting.

Legislative restrictions.

SEC. 4. *Be it further enacted*, That the said Trustees shall have power, from time to time, to elect such officers of the said academy as they shall judge necessary, and to fix the tenures of their respective offices, to remove any Trustee from the corporation, when, in their opinion, he shall be incapable, by reason of age or other incapacity, of discharging the duties of his office; to fill all vacancies in the said corporation; to determine the time and place of the meetings of said corporation, the manner of notifying and the method of electing and removing Trustees; to elect and prescribe the powers and duties of the officers of the said corporation; and also to prescribe the powers and duties of the Preceptors, Preceptresses, Teachers, and all other officers of the academy; and to make and ordain reasonable rules, orders and by-laws, not repugnant to the laws of this Commonwealth, with reasonable penalties, for the good government of the said academy.

SEC. 5. *Be it further enacted*, That the Reverend Gardner B. Perry be, and he is hereby authorized to fix the time and place for holding the first meeting of the said Trustees, and to notify them thereof.

SEC. 6. *Be it further enacted*, That the aforesaid corporation shall always be subject to the Legislature of this Commonwealth, to inquire into, and control its proceedings.

[Approved by the Governor, February 7th, 1822.]

CHAP. LIX.

An Act to incorporate the Methuen Company.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Hall J. How, James Means, and David Henshaw, together with such others as may hereafter associate with them, and their

successors, be, and they are hereby made a corporation, by the name of the Methuen Company, for the purpose of erecting, maintaining, and carrying on mills and manufactories, and for the purposes of manufacturing cotton, wool and flax, in the Town of Methuen, in the County of Essex; and for that purpose, shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto. General powers.

SEC. 2. *Be it further enacted*, That said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of fifty thousand dollars, and such personal estate, not exceeding the value of three hundred thousand dollars, as may be necessary and convenient for carrying into effect the object, purpose, and business of said corporation, in said Town of Methuen. May hold real estate.

SEC. 3. *Be it further enacted*, That either of the persons named in this act of incorporation, may call the first meeting of the corporation, by giving notice of the time and place of meeting, in some public newspaper, printed in the Town of Boston, at least fourteen days before the time of meeting. First Meeting

[Approved by the Governor, February 7th, 1822.]

CHAP. LX.

An Act to incorporate the Mount Hope Manufacturing Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That James D'Wolf, Free-born Sisson, James Maxwell, John T. Child, Oliver Persons incorporated.

Chace. Nathaniel Wheeler and Levi D'Wolf, together with such others as have, or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Mount Hope Manufacturing Company, for the purpose of manufacturing cotton and woollen goods, on Three Mile River, partly in the Town of Taunton and partly in the Town of Wellington, in the County of Bristol; and for the purpose aforesaid, shall have all the

General powers. powers and privileges, and be subject to all the duties and requirements, contained in an act, passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

SEC. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such

May hold personal estate. real estate, not exceeding fifty thousand dollars in value, and of such personal estate, not exceeding one hundred thousand dollars in value, as may be necessary and convenient for carrying on the manufacture aforesaid.

[Approved by the Governor, February 8th, 1822.]

CHAP. LXI.

An Act to establish the Pocasset Manufacturing Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Oliver Chace, Abraham Bowen, Edward Bennet, and Nathaniel B. Borden, and their associates, together with such others as may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Pocasset Manufacturing Company, for the purpose of manufacturing iron, cot-

Persons incorporated.

ton, and woolen cloth, in the Town of Troy, in the County of Bristol; and for this purpose, shall have all the powers and privileges, and shall also be subject to all the duties and requirements, prescribed in an act, passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and of the several acts in addition thereto.

SEC. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such personal estate, not exceeding two hundred thousand dollars, and of such real estate, not exceeding two hundred thousand dollars, including the estates, stores, houses, buildings, and land, which they now own, or that may be legally conveyed to them, as may be necessary and convenient for carrying on the manufactures aforesaid.

May hold real and personal estate, to a certain limit.

[Approved by the Governor, February 8th, 1822.]

CHAP. LXII.

An Act to regulate the Passway for Fish, in Beaver Brook, in the Town of Dracut.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That instead of the passway now required by law, to be kept in said brook, at the mills owned by Artemas Stanley and Sewall Stanley, in the Town of Dracut, in the County of Middlesex, the owners shall be, and hereby are required to keep open a passway for the passage of the fish called alewives, of the following dimensions: beginning at the dam, near the factory floom, six feet in width, on a level with the bottom of said floom, and running by the side of the said floom to the factory wall, then turning and running twenty feet down by the side of said

Passway to be kept open.

Description.

Stoppers.

dam, three feet and an half wide, with stoppers on each side, with a board or plank, to be placed across the head of said course, six inches in width; and the said head to keep open and in sufficient repair at all times, while said fish are passing up and down said brook.

Interdiction of taking fish.

SEC. 2. *Be it further enacted*, That so long as the owners of said mill shall keep open said course and in good repair, in the manner aforesaid, they shall not be subject to any of the penalties or restrictions of any law for regulating the passage of fish in the said brook; and no person or persons shall be allowed to take any fish in said course, or within thirty feet of the same, in any way or manner, under a penalty of five dollars, to be recovered in an action of debt, in any court proper to try the same, to be for the use of him or them, who may sue therefor.

[Approved by the Governor, February 8th, 1822.]

CHAP. LXIII.

An Act to incorporate the First Universalist Society, in Cambridge.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Peter Tufts, Junior, Isaac Kimball, Thomas Mason, Josiah Mason, Josiah Mason, Junior, Walter K. Mason, Josiah Oakes, Samuel Hastings, Joseph Abbot, William Bell, Joseph Dane, Zacheus Whitney, Augustus Richardson, Samuel Peabody, David Oliver, David Hutchinson, John Weld, Andrew Boardman, John Boardman, Asa Murdock, Thomas G. Fox, Thomas Hill, Leonard Parks, Samuel Harris, Loca Richardson, Samuel Mason, Henry Greenwood, Ferrington Hawkes, Joseph Jennings, Enoch Davis, Leonard Harris, Simon Ames, John Dodge, and Charles Walker,

together with such other persons as may hereafter, associate with them, be, and they are hereby incorporated and made a body politic and religious society, by the name of the First Universalist Society, in Cambridge; and by that name, may sue and be sued, and shall be invested with all the powers and immu- General powers. nities, to which other religious societies are entitled by the constitution and laws of this Commonwealth, for religious purposes only. And the said society shall be capable in law, to purchase and hold estate, real and personal; *provided*, the annual income thereof, Proviso. shall not exceed, at any one time, more than the value of three thousand dollars.

SEC. 2. *Be it further enacted*, That said society be, and they are hereby authorized and empowered to raise, by assessments on the pews and seats, which Assessments. may be made and built in any house, that may be hereafter, erected by them, all such sum or sums of money, for the settlement of a Minister or Ministers, repairing said house, and other expenses of public worship, with such incidental charges as they may agree on, at any legal meeting called for that purpose; and the same may assess, or cause to be assessed, upon such pews or seats, as the proprietors or members as aforesaid, at such meeting, shall deem proper, according to the respective valuation made thereof, and recorded in the proprietors' books; and the sums so assessed shall be paid by the proprietors of such pews or seats: And if any proprietor shall neglect to pay such assessments which shall have been legally made, for the space of one year, the Treasurer of said society shall be authorized and empowered to sell all the estate and interest of such May sell pews. delinquent proprietor, in said corporation, at public auction, first giving notice thereof, thirty days at least, previous to the sale, by posting up notifications at the door of said house; and upon such sale, to execute good and sufficient deed or deeds; and after deducting May convey pews. said delinquent's assessments, with incidental charges, the Treasurer shall pay the overplus, if any there be, to such delinquent proprietor.

SEC. 3. *Be it further enacted*, That said society may have power to order and establish such regula-

Rules and by-laws.

tions, rules, and by-laws for their government, and the management of their concerns, as they may see fit; *provided*, the same are not repugnant to the laws of this Commonwealth.

First Meeting.

Officers to be chosen.

SEC. 4. *Be it further enacted*, That Peter Tufts, Junior, Esquire, or any other Justice of the Peace for the County of Middlesex be, and hereby is authorized to issue his warrant to any member of said society, to notify and warn all the members thereof to meet and assemble at such time and place, as he shall therein appoint; and when so met and assembled, to organize the society, by choosing a President, Clerk, and Treasurer, and such other officers, as they may see fit to elect; and there shall be annually, a meeting of said society for the choice of officers, which shall always be holden in the month of March or April; which meeting shall be notified by the Clerk of said society.

[Approved by the Governor, February 9th, 1822.]

CHAP. LXIV.

An Act to annex Josiah Lovett to the First Parish in Beverly

Conditional annexation.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Josiah Lovett, with his family, polls and estate, be, and they are hereby set off from the Third Congregational Society, in Beverly, and annexed to the First Parish in said Beverly; *provided*, the said Josiah Lovett shall be holden to pay all taxes, legally assessed upon him, as a member of said Third Congregational Society, previous to the passing of this act.

[Approved by the Governor, February 9th, 1822.]

CHAP. LXV.

An Act to incorporate the Ware Manufacturing Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Charles P. Dexter and Darius B. Holbrook, together with such others as now have, or may hereafter associate with them, their successors or assigns, be, and they are hereby made a corporation, by the name of the Ware Manufacturing Company, for the purpose of manufacturing cotton and woolen yarn and cloth, in the Town of Ware, in the County of Hampshire; and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements, prescribed and contained in an act, passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

Persons incorporated.

General powers.

SEC. 2. *Be it further enacted,* That the said Ware Manufacturing Company, in their corporate capacity, may lawfully hold and possess such real and personal estate, as may be necessary and convenient for carrying on the said manufacture: *Provided,* the value of such real estate, shall not exceed one hundred thousand dollars, and the value of such personal estate, shall not exceed two hundred thousand dollars.

May hold real estate.

Provide.

[Approved by the Governor, February 9th, 1822.]

CHAP. LXVI.

An Act incorporating the Trustees of Mount Carmel Lodge.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That James Gardner, Amariah Child, Samuel Brimblecom, Robert W. Trevett, Benjamin Oliver, Josiah Newhall, and William F. Ingalls, and their associates and successors, be, and they hereby are constituted a corporation, by the name of the Trustees of Mount Carmel Lodge; and they hereby are invested with all the powers, privileges, and immunities, incident to corporations of a similar nature.

Persons incorporated.

General powers.

SEC. 2. *Be it further enacted,* That said Trustees shall have power to receive, possess and hold, by gift, grant, purchase, or devise, any real or personal estate; *provided,* the value of said real estate, do not exceed five thousand dollars, nor the value of said personal estate, exceed one thousand dollars; and shall and may employ the income, interest and profits arising from such estate, in acts of charity and benevolence.

May hold real or personal estate.

SEC. 3. *Be it further enacted,* That the said Trustees and their successors, shall have and use a common seal, and by the name aforesaid, may sue and be sued, in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution. And the said Trustees and their successors shall, annually, elect by ballot, a President, to preside at their meetings, and a Clerk, to record the doings of the said Trustees.

May sue and be sued.

SEC. 4. *Be it further enacted,* That the said Trustees, or a major part of them, be, and they are hereby authorized and empowered to sell and convey in fee simple, lease or mortgage, all or any part of the real estate which they may hold as herein aforesaid, and to make, execute and acknowledge a good and sufficient deed or deeds thereof; which deed or deeds, subscribed by their President, by the direction of the

May sell and convey real estate.

said Trustees or a major part of them, with the seal of said corporation thereunto affixed, shall be good and valid in law, to pass and convey the same to the purchaser or purchasers thereof, to all intents and purposes whatsoever. And said Trustees may make and establish such by-laws, rules and regulations as they may think proper; *provided*, the same are not repugnant to the constitution and laws of this Commonwealth.

Rules and by-laws.

SEC. 5. *Be it further enacted*, That James Gardner be, and he hereby is authorized to call the first meeting of said Trustees, by giving personal notice to each of them, or leaving a written notification at each of their houses, seven days before the time of meeting: *Provided, however*, that this act may be repealed whenever the Legislature may deem it expedient that the corporation should be abolished.

First Meeting.

[Approved by the Governor, February 9th, 1822.]

CHAP. LXVII.

An Act in addition to an act, entitled "An Act regulating Parishes and Precincts, and the Officers thereof."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the inhabitants of each town, district, or parish, within this Commonwealth, qualified to vote in town, district, or parish affairs, shall have power, from and after the first day of March next, at their annual meeting, to raise in the same manner that other town, district, or parish charges may now by law be raised, such sum or sums of money, as they may deem sufficient to defray all the cost and charges which may be necessary for the support and maintenance of sacred music, in their respective towns, districts, and parishes aforesaid.

Assessments for sacred music.

[Approved by the Governor, February 11th, 1822.]

CHAP. LXVIII.

An Act to incorporate the Proprietors of the New Meeting House, in Dedham.

Persons incorporated.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Samuel Fales, Jonathan Avery, Benjamin Farrington, Jonathan Richards, Reuben Richards, Reuben Guild, John Guild, Nathaniel Guild, Calvin Guild, Paul Lewis, Samuel Lewis, John Bullard, Jacob Clark, Jesse Wheaton, Joseph Daniel, Jesse Daniel, Jesse Fuller, Frederick A. Taft, Joseph Stow, Elisha McIntosh, Jason Messenger, Samuel Noyes, Joseph Morril, Leonard Alden, Martin Draper, Robert Edson, and Josiah S. Fisher, their associates and successors, be, and they hereby are made a body politic and corporate, by the name of the Proprietors of the New Meeting House, in Dedham; and by that name, may sue and be sued, have a common seal, and the same alter at pleasure, and may ordain such rules and regulations as are not repugnant to the laws of this Commonwealth; and choose such officers as the good management of the affairs of said body corporate may at all times require.*

General powers.

Assessment on shares.

SEC. 2. *Be it further enacted, That said corporate body shall have power to raise money by assessment on the shares of the said corporators, for the purpose only of repairing said meeting house: Provided, this power shall not be construed to extend to the raising of money for altering, completing or enlarging said house, unless every corporator shall, in writing, give his assent thereto.*

May pass pews.

SEC. 3. *Be it further enacted, That a Committee of said corporate body, which may be chosen for that purpose, shall have authority in law, to convey and execute deeds to pass pews in said house, to such persons as said corporate body shall, at the first legal meeting thereof, direct, or according to the rules and regulations which said body corporate may ordain.*

SEC. 4. *Be it further enacted, That no vote of said*

body corporate shall bind said corporators, unless the owners of a majority of the shares in said house, shall concur therein. Qualification of votes.

SEC. 5. *Be it further enacted*, That Samuel Fales, of Dedham, may call the first meeting of said body corporate, by posting notices of the time and place thereof, in some conspicuous place in said meeting house, eight days at least, before the time he may so appoint. First meeting.

[Approved by the Governor, February 11th, 1822.]

CHAP. LXIX.

An Act in addition to an Act, to incorporate the Wolcott Woolen Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Wolcott Woolen Manufacturing Company may hold and possess real estate, not exceeding two hundred thousand dollars, and personal estate, not exceeding two hundred thousand dollars, for the purposes as in the act incorporating said manufacturing company, is provided; and that so much of said act, as is repugnant to this act, be, and the same is hereby repealed. Additional capital.

[Approved by the Governor, February 11th, 1822.]

CHAP. LXX.

An Act repealing "An Act further regulating the Essex Turnpike Corporation, and the Andover and Medford Turnpike Corporation."

Repeal of act.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That an act, entitled "an act further regulating the Essex Turnpike Corporation, and the Andover and Medford Turnpike Corporation," passed on the fourteenth day of February, in the year of our Lord one thousand eight hundred and twenty one, be, and the same hereby is repealed.

[Approved by the Governor, February 11th, 1822.]

CHAP. LXXI.

An Act to alter and amend an Act incorporating the Baptist Missionary Society, in Massachusetts.

Partial repeal of act.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of the first section of the act, entitled "an act to incorporate the members of a society, by the name of the Baptist Missionary Society, in Massachusetts," as limits the continuance and succession of said society to fifteen years, be, and the same is hereby repealed.

Capital.

SEC. 2. *Be it further enacted,* That so much of the second section of the said act as authorizes and limits the society to receive and hold real estate to an amount not exceeding fifteen thousand dollars, and personal estate by donation, bequest, legacy, or otherwise, not exceeding ten thousand, be so far altered and amended, as to allow said corporation to receive and hold

real and personal estate, to the amount of fifty thousand dollars; the annual income of which shall be Annual Income. applied agreeably to the provisions of the said act, and not otherwise: *Provided*, that the Legislature shall have a right to repeal this act, whenever they shall deem it expedient.

[Approved by the Governor, February 11th, 1822.]

CHAP. LXXII.

An Act in addition to an Act, entitled “An Act for the distribution of Insolvent Estates.”

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That in all cases, in which any person or persons, heretofore have incurred, or may hereafter incur a general responsibility for another, who may afterwards die insolvent, and when the cases in which such persons may be called upon, in consequence of their having so become responsible, and the damages which they may sustain by means thereof, cannot be ascertained within the period now limited by law, for the existence of commissions upon insolvent estates, Judges of Probate in such cases are hereby authorized and empowered to extend the commission of insolvency upon any such insolvent estate, and allow such further time to such creditors, to ascertain and prove their claims, as the circumstances of the case, and the purposes of justice may require: *Provided*, Settlement of insolvent estates. *nevertheless*, that no insolvent estate shall be continued pending under a commission of insolvency, more than four years from the time of granting letters of administration upon such estate: *And provided, also*, that no dividend which may have been made among the Dividends. creditors of such estate, before application is made to the Judge of Probate for the extension of such commission, shall be disturbed.

[Approved by the Governor, February 13th, 1822.]

CHAP. LXXIII.

An Act to regulate the Admeasurement of Timber.

Survey of timber.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the tenth day of April next, all spruce and pine timber that is hewed and of six inches square and upwards, shall be surveyed and sold at and after the rate of forty cubic feet per ton, and all sawed timber six inches square and upwards, shall be surveyed in the same manner as is now provided by law for measuring boards and scantling.

Penalties.

SEC. 2. *Be it further enacted*, That every person violating the provisions of this law, (unless by special agreement of the parties another method is adopted) on conviction thereof, shall forfeit and pay for every offence, a sum not less than two dollars, nor more than ten dollars, at the discretion of the court competent to try the same.

[Approved by the Governor, February 13th, 1822.]

CHAP. LXXIV.

An Act declaring and confirming the incorporation of the Proprietors of the Church in Brattle Square, in Boston.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all persons who now are, or who may hereafter be, the proprietors of the pews in the congregational meeting house, situate in Brattle Square, in Boston, be, and they are hereby declared and confirmed to be a body politic and cor-

porate, by the name of the Proprietors of the Church in Brattle Square; with all powers, rights and privileges, which, by the constitution or laws of this Commonwealth, belong to parishes; and with power also to purchase, to take, and to hold any estate, real, personal or mixed, for the support of the ministry, and the suitable maintenance of the public worship of Almighty God: *Provided*, that the whole estate of the said corporation shall not exceed in its annual income, the sum of five thousand dollars, exclusive of their meeting house, and also of their ministerial house, which is now holden by the Deacons of the said church, in trust for the use of the Minister for the time being, according as the same is expressed in the devise of the same to them, in and by the last will and testament of the late Lydia Hancock. And furthermore, the said corporation shall be, and hereby are deemed in law, to be seized of the same meeting house, with all the lands under, adjoining and belonging to the same, with the rights, privileges and appurtenances thereto belonging, by whatever other name the same shall or may have been heretofore conveyed to them; reserving however, to the several proprietors of the pews in said meeting house, their right to, and interest in the said pews, respectively.

SEC. 2. *Be it further enacted*, That the said proprietors shall meet annually, on the second Monday in July, at the said meeting house, or at such other place as their Committee may appoint; and at such other times and places, as they shall be duly notified to attend, in manner herein after mentioned. And at said annual meeting, after having chosen a Moderator, shall choose a Clerk, Treasurer, and a Committee of twelve persons, who shall all continue in office for one year, and until others are chosen in their room. And if for any cause, the said annual meeting should not be holden at that time, then the said officers may be chosen at any other meeting, duly notified for that purpose; and any person who shall usually attend public worship in said meeting house, shall be eligible to either of said offices. And any proprietor shall have a right to act and vote by proxy, at any meeting of the said proprietors, in case such proprietor should

Title.

General powers.

Limitation of real estate.

Annual meeting.

Officers to be chosen.

Proviso.

not attend the same in person: *Provided, however,* that no proprietor, whether of one or more pews shall, in any case, be entitled to more than one vote, either in person or by proxy; and in case a pew be owned by two or more persons, only one of them shall be entitled to vote by virtue of such ownership.

Powers of Committee.

SEC. 3. *Be it further enacted,* That the said Clerk shall be sworn to the faithful performance of the duties of his office; and it shall be his duty to record all the votes and all the proceedings of the said proprietors, and of the said Committee, in separate books, to be kept by him for that purpose: And the said Committee, or a major part of them, shall have full power to manage all the prudential affairs of the said proprietors, in the same and in as ample a manner, as Parish Committees are authorized by law, to manage the prudential affairs of parishes; and to notify any proprietors' meeting, by posting up a notification at the door of said meeting house, seven days at least, before the time of holding the same, or by giving notice to the members present, from the pulpit, on the Sabbath immediately preceding the meeting.

Duties and privileges.

SEC. 4. *Be it further enacted,* That the said proprietors shall be entitled to all the privileges which they have heretofore in fact enjoyed, and shall be bound by all the contracts they have heretofore in fact entered into, and be subject to all the duties they have heretofore been subject to: and the said proprietors are also empowered, from time to time, to make such further contracts, and raise such sums of money, annually, as they shall judge necessary for the maintenance and support of the public worship of Almighty God, for the repairs or alteration of said meeting house, and for other parochial and incidental charges, including any sums which may be wanted to repair the ministerial house, or for rebuilding the same in any future time; and all monies, so raised by the proprietors aforesaid, shall be paid quarterly, as the same have heretofore been, or otherwise, as the said proprietors shall hereafter order and appoint.

Assessments.

SEC. 5. *Be it further enacted,* That all monies raised by the said proprietors for the purposes aforesaid, shall be assessed by the said Committee, or by

the major part of them, upon the several proprietors of the pews in said meeting house, according to the relative value of said pews, regard being had to their situation and convenience. And the pews in said meeting house shall be held liable to be taken and sold Liability of pews. for the payment of all assessments, duly made as aforesaid, and for the discharge of all expenses incurred by such sale, in such manner, and on such contingencies and conditions, as have been or may be agreed upon by the said proprietors, and which are or shall be summarily expressed and contained in the deed or conveyance of the pews; and the assessments made as aforesaid shall be considered as a lien upon the pews in said meeting house.

SEC. 6. *Be it further enacted,* That if any of the officers chosen by the said proprietors shall die or resign, during the year, for which they may be chosen, other persons may be elected in their room for the remainder of the year, at any meeting of the proprietors; and that the present Clerk, Treasurer, and Committee of the said proprietors shall be and remain in office, till the first annual meeting of the said corporation, under this act, unless the proprietors, at any meeting prior to that time, shall elect others in their place. Vacancies to be filled up.

SEC. 7. *Be it further enacted,* That the present Committee of the said church, to wit; Arnold Welles, Peter Oxenbridge Thatcher, Samuel Hammond, Isaac Parker, Harrison Gray Otis, Samuel Snelling, Joseph Hall, Alden Bradford, Samuel Cobb, George Bond, James Trecothick Austin, and Jonathan Chapman, or a major part of them, may cause the first meeting of the said proprietors to be called for any purpose, by giving notice of the same, as is herein before provided. Names of Committee.

[Approved by the Governor, February 13th, 1822.]

CHAP. LXXV.

An Act to alter and establish the times of holding the Courts of Probate, within and for the County of Middlesex.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the last day of February, in the year of our Lord one thousand eight hundred and twenty two, instead of the times now by law appointed within and for the County of Middlesex, the said Court shall be holden at the times and places following, to wit: at Cambridge on the second Tuesdays of January, August, and November, and the first Tuesday of March, the third Tuesday of May, and the Tuesday next preceding the second Monday of December; at Concord on the second Tuesdays of February and April, on the Tuesday next preceding the second Mondays of June and of September, and on the third Tuesday of November; at Groton on the last Tuesday of December, first Tuesday of May and last Tuesday of September; at Framingham on the last Tuesdays of June and October; at Woburn on the fourth Tuesday of April; at Charlestown on the third Tuesdays of February and August; and at Chelmsford on the first Tuesday of October, annually. And all processes pending in, or returnable to the Court of Probate, to have been holden by the existing law, on the first Tuesday of March next, may be returned to, and acted upon, by the said Court of Probate established by this act, to be holden at Groton, on the first Tuesday of May next.*

Times and places
of holding courts.

[Approved by the Governor, February 14th, 1822.]

CHAP. LXXVI.

An Act to incorporate the First Baptist Society, in the District of Holland.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Benjamin Church, Persons incorporated. Judah Back, John C. Buterworth, John Anderson, David B. Dean, Benjamin Franklin, Samuel Frizel, Ellridge G. Fuller, Thomas Gould, Joseph Glazzen, Jedediah Healy, Levi James, Walter Lyon, Ebenezer Lyon, Elisha Marcy, David Marcy, Uriah Marcy, Ithamer Merifield, Sarel Parien, Calvin Polley, John Polley, Lyman Polley, Perley Stone, Rinalder Wallis, Allen Tiffany, Loring Webber, Oshea Webber, William Webber, Bradley Webber, Eliphas Webber, Samuel Webber, William Wood, and Elisha Wylls, together with such others as may hereafter associate with them, and their successors, with their families, polls and estates, be, and they are hereby incorporated as a religious society, by the name of the First Baptist Society, in the District of Holland; General powers. with all the powers and privileges, to which parishes and religious societies are entitled by the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That the Clerk of said society shall record in a book, to be by him kept for that Record of pews. purpose, the names of the proprietors of every pew, or part of a pew, in the meeting house of the said society, and shall give to every such proprietor, a certificate of his ownership of such pew or part of a pew; which certificate shall be full evidence of the title of such proprietor thereto, and shall vest the same in said proprietor and his heirs, to all intents and purposes; and a copy of such certificate shall be recorded in the same book, by the said Clerk; and all known officers of law, for all lawful purposes, shall have free access to such book of records.

SEC. 3. *Be it further enacted,* That any three of the persons named in this act, or either of them, may

First meeting.

cause the first meeting of said Baptist Society, to be called, by posting up a notification at said meeting house, giving at least, seven days notice, of the time, place, and purpose of said meeting; at which meeting, the society may agree on the mode of notifying future meetings.

[Approved by the Governor, February 14th, 1822.]

CHAP. LXXVII.

An Act to incorporate the Dedham Worsted Factory.

Persons incorpo-
rated.

General powers.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That William Phillips and Jabez Chickering, together with such others as may hereafter, associate with them, and their successors, be, and they are hereby made a corporation, by the name of the Dedham Worsted Factory; and shall have all the powers and privileges, and be subject to all the duties, requirements and penalties, contained in an act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and in the several acts in addition thereto.

May hold real es-
tate.

SEC. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of thirty thousand dollars, and such personal estate, not exceeding the value of seventy thousand dollars, as may be necessary and convenient for carrying on the manufacture of worsted yarns.

[Approved by the Governor, February 14th, 1822.]

CHAP. LXXVIII.

An Act to incorporate the Chester Turnpike Corporation.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Titus Doolittle, Daniel Collins, Thomas Fry, and Origen A. Perkins, with their associates, successors and assigns, shall be, and the same hereby are created a corporation and body politic, by the name of the Chester Turnpike Corporation, for the purpose of making, maintaining, and keeping in repair a turnpike road, from the west end of Walton Bridge, so called, in the Town of Chester, in the County of Hampden, upon the present road of the Eighth Massachusetts Turnpike Corporation, to the foot of Becket Mountain, about half a mile west of the dwelling house of Uriah Ferre, in said Chester; Persons incorporated. thence by the new road, made by the aforesaid individuals and their associates, and accepted by the Court of Common Pleas for the County of Hampden, pursuant to authority granted to said Court, by an act of the General Court, passed on the thirteenth day of February, in the year of our Lord one thousand eight hundred and nineteen, to the Becket Turnpike, with all the privileges and immunities, incident to incorporations, and subject to all the pains, penalties and forfeitures, imposed in and by the act for establishing a corporation, by the name of the Eighth Massachusetts Turnpike Corporation. Direction of road

SEC. 2. *Be it further enacted,* That the corporation hereby established, shall have power to erect a gate upon said road, at such place as may be deemed most convenient for collecting the toll, between the house of Uriah Ferre and the old tavern house of John Dewey, in said Chester; and shall be entitled to receive at said gate, from each traveller or passenger, the same rate of toll, as the Eighth Massachusetts Turnpike Corporation are now by law, authorized to receive at their gate, in Russell. Powers and privileges. Rate of tolls.

Application of
former law.

SEC. 3. *Be it further enacted*, That the provisions of the third, fourth, fifth, ninth, tenth, eleventh and twelfth sections of the aforesaid act, entitled "an act for establishing a corporation, by the name of the Eighth Massachusetts Turnpike Corporation, shall be extended and applied to the corporation hereby established, as fully, and to all intents and purposes, as if the same had been here specially recited.

SEC. 4. *Be it further enacted*, That the said Eighth Massachusetts Turnpike Corporation be, and hereby are exonerated and fully discharged from all and any liability to maintain or keep in repair their said road, west of Walton Bridge, so called, in the Town of Chester.

Exemptions.

Provisionary
confirmation.

SEC. 5. *Be it further enacted*, That the alterations made in the road of the Eighth Massachusetts Turnpike Corporation, in conformity with the report of the Committee appointed by a resolve passed on the ninth day of February, in the year of our Lord one thousand eight hundred and twenty, to view said road, be established and confirmed: *Provided, always*, that nothing herein contained shall have any effect upon any suit or suits now pending, or any cause of action now existing, for any damage done by the laying out, or making said new road.

First meeting.

SEC. 6. *Be it further enacted*, That Titus Doolittle and Daniel Collins, are hereby authorized to call a meeting of all persons interested in the corporation hereby established, to be holden at the house of Daniel Collins, in said Chester, by giving notice thereof, fourteen days at least, before the time of said meeting, in one of the newspapers printed in Springfield, and by posting up notices at the dwelling house of Uriah Ferre, in said Chester, and Eleida Kingsley, in the Town of Becket; which meeting shall be holden in the month of March or April next; and the meeting so convened as aforesaid, may then and there proceed to elect such officers, and establish such by-laws and other regulations, as they may deem just and expedient, for the due management of the affairs of said corporation; *provided*, the same are not inconsistent with the laws of this Commonwealth.

Election of off-
cers.

[Approved by the Governor, February 14th, 1822.]

CHAP. LXXIX.

An Act to establish the Gloucester Canal Corporation.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That William Pearce, Benjamin K. Hough, James Mansfield, William Pearce, Junior, John Mason, William Saville, Samuel Gilbert, E. Dale, William Beach, Eli Stacy, Ephraim Brown, Junior, Zachariah Stevens, Abraham Williams, Junior, C. L. Roberts, Winthrop Sargent, David Harraden, Aaron Day, and William W. Parrott, their associates and successors, be, and they hereby are made a corporation and body politic forever, by the name and style of the Proprietors of the Gloucester Canal; with all the powers, privileges and immunities incident to a corporation aggregate; and said corporation is hereby made capable in law, of having, holding, purchasing, and taking, in fee simple, or in any less estate, by gift, grant, devise or otherwise, any lands, tenements, hereditaments or other estate, real, personal or mixed, necessary for the making, upholding and maintaining a navigable canal or canals, in the Town of Gloucester, to connect the waters of Boston and Ipswich Bays, as formerly: *Provided, nevertheless*, that the amount thereof shall not exceed the sum of one hundred thousand dollars.

Persons incorporated.

General powers.

May hold Real Estate.

May open Canal.

Proviso.

SEC. 2. *Be it further enacted*, That said corporation shall have a common seal, and shall be capable in law, to prosecute and defend to final judgment and execution, any action or other process, before any court, tribunal or magistrate whatever, and to do and perform all such other acts, matters and things, as an aggregate corporation may, or of right can do. And they shall have power to make and establish such by-laws and regulations, as they may find necessary or useful for the well ordering and governing their officers, agents, servants, estates, rights, property and interests: And they shall have power to appoint a President, Treasurer, Secretary, and such other officers, agents and

By-Laws.

Officers to be appointed.

Duties of officers.
Proviso.

servants, as they may find necessary and convenient for them, and to invest them with such powers, and subject them to such duties, as may be provided in and by the by-laws and regulations aforesaid; *provided*, the same are not repugnant to the laws of this Commonwealth.

General powers
of Corporation,
for opening Canal.

Satisfaction to
owners of land.

SEC. 3. *Be it further enacted*, That said corporation shall have power to explore, mark and lay out one or more parcels of marsh or upland, not more than thirty rods wide, from low water in the harbor of Gloucester, and extending across the highway as it now goes into the Town of Gloucester, to the bar at the entrance of Annisquam River, in any direction most convenient for them, by making the owners thereof a reasonable compensation for the same, (which compensation, if said owners and corporation cannot agree upon, shall be decided by three disinterested freeholders, living within the vicinity of said marshes or land so taken, one to be appointed by each party, and the other by those two, and the cost to be paid equally by the parties,) through and over any of which parcels of marsh or land, they may dig, make and complete a navigable canal or canals of suitable width and depth for the passage of vessels drawing six or more feet of water; and for the purpose of maintaining said canal or canals, the said corporation are hereby authorized to make, in any part of such canal or canals, in any part of Annisquam River, or at the extremities thereof, all such embankments, piers, locks, gates or wharves, and other works, as well above as below low water mark, as may be convenient or necessary for the purposes of this act.

Damages by violence,
to be paid for.

SEC. 4. *Be it further enacted*, That if any person or persons shall wilfully, maliciously, or contrary to law, take up, remove, break down or dig under, or otherwise injure any part of said canal or canals, or any work or works connected with or appertaining to the same, or any part thereof, such person or persons, for every such offence, shall forfeit and pay to said corporation, treble such damages as said proprietors shall, to the Justice, or Court and Jury, before whom the trial shall be, make appear that they have sustained by means of the said trespass; to be sued for and

recovered with costs, in any court proper to try the same; and such offender or offenders shall further be liable to indictment for such trespass or trespasses, and, on conviction thereof, shall be sentenced to pay a fine, to the use of the Commonwealth, of not less than ten dollars, or more than one hundred dollars.

SEC. 5. *Be it further enacted*, That the stock and property of said corporation shall be divided into two hundred shares, certificates of which shall issue under the seal of said corporation, and be signed by the President and Treasurer thereof; and the said shares shall be taken and deemed to be personal estate, and may be transferred by endorsement; and such transfer shall be recorded by the Secretary of said corporation; and the said corporation may make assessments on the shares, for the purpose of effecting the objects of the corporation: *Provided, however*, that the whole amount of assessments on each share, after deducting the amount of all dividends previously declared thereon, shall not exceed the sum of fifty dollars; and in case the amount of fifty dollars, so assessed on each share, will not supply the necessary funds, the corporation may raise the funds required, by selling any shares not subscribed for, or by creating any necessary number of shares over and above the said two hundred: And if the proprietor of any share or shares shall refuse or neglect to pay any assessment, for the term of thirty days after the same hath become due, the share or shares on which there is a delinquency, may be sold at public auction, notice of the time and place being given by the Treasurer of said corporation, in two public newspapers printed in Boston, three weeks at least, before the time appointed for such sale; and also by posting up said notice within the Town of Gloucester, ten days at least before such sale; and the proceeds of such sale shall be applied to the payments due on the share or shares so sold, with incidental charges; and the surplus, if any, shall be paid to the former owner, or his legal representative, on demand; and such sale shall give good and complete title to the purchaser or purchasers of such share or shares, and he shall receive a new certificate thereof: *Provided, however*, that, if before the actual sale of any such delinquent share or

Suits for damages.

Shares of Corporation.

Shares transferable.

Proviso.

Limitation of assessments.

Delinquent Shares may be sold.

Proviso.

shares, the proprietor thereof pay the assessments due thereon, with interest from the time they became due, and all necessary and reasonable charges, the sale shall not proceed.

Rates of Toll.

SEC. 6. *Be it further enacted*, That said corporation shall be entitled to ask and receive, for their sole use and benefit, of and from all vessels, boats, rafts or other articles passing through said canal or canals, fees or tolls, not exceeding the following rates: For all registered, licensed or enrolled vessels, loaded and drawing more than six feet of water, six cents per ton; all vessels as aforesaid, not loaded, and drawing less than six feet of water, four cents per ton; for all rafts of timber, thirty cents per ton; for all rafts of sawed lumber of one inch in thickness, seventy five cents per thousand feet; and other sawed lumber in proportion, according to its thickness; for every thousand of shingles, twelve and an half cents; for every cord of fire wood, fifty cents; and other lumber such reasonable toll, in proportion, as the corporation shall determine; for a gondola, twenty cents per ton on its capacity to carry; for a pair of freighting canoes, seventy five cents; for a sail boat, if over two tons, twenty five cents per ton; and for all other boats and articles, passing through said canal or canals, such reasonable toll, in proportion to the rates aforesaid, as may be fixed by the corporation: and shall also be entitled to ask and receive of and from every vessel, boat, raft or other thing entering said canal or canals, and not passing through the same, such reasonable rate of toll, dockage, anchorage and wharfage, as may be fixed by the regulations of said corporation; the tonnage in all cases to be ascertained by the register, or coasting or fishing license of the vessel passing said canal or canals; and, in all cases, the amount of toll, dockage, anchorage or wharfage, due from any vessel, boat, raft or other thing or article, shall be a lien in favor of said corporation, on such vessel, boat or raft, or other thing or article, until the amount due as aforesaid be paid to said corporation: and the said corporation may contract by the year or otherwise, with any person or persons in the habit of passing through said canal or canals, in writing, on such terms as may be

Contracts for
Tolls.

mutually agreed upon; and such contract, so made, shall be binding on the parties.

SEC. 7. *Be it further enacted*, That it shall be the duty of said corporation to make and keep in good repair, at all times, a good and sufficient bridge with a draw, over said canal where the road now passes into the Town of Gloucester, which may be taken for the same, for the passage of teams, mail stages and carriages, and every thing else necessary for public convenience, toll free.

Bridge to be kept
in repair.

SEC. 8. *Be it further enacted*, That the stock and property of said corporation shall be exempted from all public taxes, until a dividend shall be made on the shares of said corporation, equal to an annual income of six per centum on the money actually expended by said corporation in making said canal or canals, and other works connected with, and appertaining to the same.

Exemption from
Taxes.

SEC. 9. *Be it further enacted*, That no grant, authority or permission shall be given or granted to any person or persons, corporation or corporators, to make any canal or canals connecting the waters of Boston and Ipswich Bays, through Annisquam River or creeks emptying into the same, without the consent of the corporation hereby created: *Provided, however*, if the said corporation shall not complete a canal or canals as aforesaid, passable for vessels drawing at least six feet of water, within six years from and after the passing of this act, the same shall be void.

Privileges of the
Corporation.

Proviso.

SEC. 10. *Be it further enacted*, That any four of the persons named in the first section of this act, may call the first meeting of said corporation, to be holden at such time and place as they may judge proper; of which meeting they shall give notice, by publishing the same in any two of the Boston newspapers, the first publication to be at least, fourteen days previous to said meeting; and at meetings of said corporation, one vote shall be allowed to one share, and one vote for every additional two shares owned by the same proprietor: *Provided*, no one proprietor shall be allowed more than five votes, and absent proprietors may vote by proxy, duly authorized in writing.

First Meeting.

Condition of
votes.

SEC. 11. *Be it further enacted*, That the Governor

State may sub-
scribe for shares.

and Council may authorize the Treasurer of this Commonwealth to subscribe for not exceeding thirty shares in the aforesaid corporation, they first being satisfied of the public utility of the same, and being requested by a legal vote of the corporation, to subscribe for the same.

[Approved by the Governor, February 16th, 1822.]

CHAP. LXXX.

An Act to establish Lexington Academy.

Trustees.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be, and hereby is established, in the Town of Lexington, in the County of Middlesex, an academy, by the name of Lexington Academy, for the purpose of promoting religion and morality, and for the education of youth in such of the liberal arts and sciences as the Trustees, for the time being, shall direct; and that Rufus Meriam, Esquire, Doctor Joseph Fiske, John P. Meriam, Esquire, Doctor Stilman Spaulding, Nathan Reed, John Augustus, Joshua Simonds, Joseph Simonds, Christopher Reed, Nathaniel Harrington, William Chandler, Aaron P. Richardson, Thomas Tufts, Nathan Harrington, Junior, Nathan Dudley, Hammond Reed, Ebenezer Simonds, Thomas Greenleaf, Jonathan Munroe, Francis Wyman, and William Smith, Junior, be nominated and appointed Trustees; and they are hereby incorporated into a body politic, by the name of the Trustees of Lexington Academy; and that they and their successors shall be, and continue a body politic, by that name, forever.

SEC. 2. *Be it further enacted,* That all lands, monies, or other property, heretofore given, or subscribed, for the purpose of erecting or establishing an academy as aforesaid, or which shall be hereafter given, grant-

ed, or assigned to the said Trustees, shall be confirmed to the said Trustees and their successors in that trust forever, for the uses which in such instruments shall be expressed; and the said Trustees shall be capable of having, holding, and taking in fee simple, by gift, grant, devise, or otherwise, any lands, tenements, or other estate, real or personal; *provided*, the annual income of the same shall not exceed the sum of three thousand dollars; and shall apply the interest, rents, and profits thereof, so as most effectually to promote the design of the institution.

SEC. 3. *Be it further enacted*, That said Trustees, for the time being, shall be the visitors and governors of said institution, and shall have full power, from time to time, to elect such officers thereof, as they shall judge necessary and convenient, and fix the tenure of their respective offices; to remove from office any Trustee, when he shall become incapable, from age or otherwise, of discharging the duties of his office; to fill all vacancies that may happen in the Board of Trustees, by electing suitable persons therefor; to determine the times and places for holding their meetings, the manner of notifying the Trustees, the method of electing and removing Members of the Board; to ascertain the powers and duties of their several officers; to elect instructors, and prescribe their duties; to make and ordain reasonable rules, orders and by-laws, with reasonable penalties, for the government of the institution; *provided*, the same be not repugnant to the laws of this Commonwealth.

SEC. 4. *Be it further enacted*, That the Trustees of said academy may have a common seal, which they may change at pleasure; and all deeds sealed with said seal, and delivered and acknowledged by the Secretary of said Trustees, by their order, shall be good and valid in law; and said Trustees may sue and be sued in all actions, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of Lexington Academy.

SEC. 5. *Be it further enacted*, That the number of said Trustees shall never exceed twenty one, nor be less than nine, seven of whom shall be necessary to constitute a quorum for doing business; but a less

Proviso.

number may adjourn from time to time; and a majority of those present shall always decide all questions that may properly come before said Trustees, except that a majority of all the Trustees shall be necessary to remove or elect any Member of the Board: *Provided*, that the proportion of said Trustees, who shall be inhabitants of the Town of Lexington, shall never be greater than five ninths of the whole number.

First Meeting.

SEC. 6. *Be it further enacted*, That Rufus Meriam, Esquire, be, and he is hereby authorized and empowered to fix the time and place for holding the first meeting of the Trustees, and to notify them thereof.

[Approved by the Governor, February 16th, 1822.]

CHAP. LXXXI.

An Act in addition to an Act, entitled "An Act incorporating certain persons into a Society, by the name of the Massachusetts Charitable Fire Society."

Extension of powers.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Massachusetts Charitable Fire Society, or the Trustees of the same, be, and they are hereby authorized and empowered to appropriate and dispose of such part of the interest, accruing from the funds of said society, to any other charitable purpose or purposes, than those mentioned in the act, entitled "an act incorporating certain persons into a society, by the name of the Massachusetts Charitable Fire Society," and to such benevolent institutions within this Commonwealth, as the Trustees of the said society, or a major part of them, shall from time to time, deem fit and proper: *Provided, however*, that no donation or appropriation of the interest as aforesaid, shall exceed the sum of three hundred dollars, at any one time, or to any one charitable purpose or benevolent institution, until the same shall have re-

Proviso.

ceived the approbation and consent of the said Massachusetts Charitable Fire Society, at a meeting duly notified and holden for that purpose.

[Approved by the Governor, February 16th, 1822.]

CHAP. LXXXII.

An Act to establish the Town of West Bridgewater.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all the land comprised within the West Precinct of the Town of Bridgewater, according to the present territorial limits thereof, together with the inhabitants thereon, be, and the same hereby are incorporated into a Town, by the name of West Bridgewater, and invested with all the powers ^{Title.} and privileges, and subject to all the duties and requisitions, to which towns in this Commonwealth are by the constitution and laws entitled and subjected.

SEC. 2. *Be it further enacted,* That the inhabitants of said Town of West Bridgewater shall be holden to pay all arrears of taxes, which have been assessed or ^{Payment of ar-} directed to be assessed upon them, by the Town of ^{rearages of taxes,} Bridgewater, and shall be entitled to receive, hold and enjoy such proportion of all debts and taxes now due, and assessments voted to said Town of Bridgewater, and such proportion of all the privileges and property, real or personal, now belonging to said Town of Bridgewater, of what kind soever it may be, as the property of said inhabitants of West Bridgewater bears to the property of all the inhabitants of said Town of Bridgewater, according to the latest valuation thereof; and they shall be holden to pay their proportion, to ^{Conditions of} be ascertained as aforesaid, of all the debts now due ^{corporate power,} and owing from said Town of Bridgewater, and of all expenses, costs, or fines, that may arise on any indictment now pending against said Town of Bridgewater.

SEC. 3. *Be it further enacted*, That the said Town of West Bridgewater shall be holden to support their proportion of the poor of the Town of Bridgewater, which are now chargeable to said town, which proportion shall be ascertained by the present valuation of the town: and all persons who may hereafter, become chargeable as paupers, to the said Towns of Bridgewater and West Bridgewater, shall be considered as belonging to that town, on the territory of which they had their settlement, at the time of passing this act, and shall in future, be chargeable to that town only.

First Meeting for
choice of Town
Officers.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the County of Plymouth, is hereby authorized to issue his warrant directed to any freeholder of the said Town of West Bridgewater, requiring him to warn the inhabitants thereof, to meet at the time and place therein appointed, for the purpose of choosing such town officers, as towns are by law, required to choose at their annual meetings.

[Approved by the Governor, February 16th, 1822.]

CHAP. LXXXIII.

An Act explanatory of the Fourth Section of an Act, entitled "An Act to establish the Town of Hanson."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, it shall be the duty of the Selectmen of the Town of Pembroke, between the twentieth and thirtieth days of March, in each and every year, to make out a list of the names of all heads of families in the said Towns of Pembroke and Hanson, (the names from the Town of Hanson, to be furnished by the Selectmen of that town, on or before said twentieth day of March,) and after having given due notice to

the Selectmen of said Town of Hanson, of the time and place of meeting, that they may be present, shall determine by lot, between the inhabitants of said towns, who shall first be supplied with the fish called alewives, taken in pursuance of the laws regulating the alewife fishery in the Town of Pembroke, in the manner practiced in the Town of Pembroke, prior to the division thereof. Chances by lot.

SEC. 2. *Be it further enacted*, That such person or persons, as shall hereafter, have the right to catch alewives in said Town of Pembroke, under the several laws regulating said fishery in said town, shall furnish and supply to each of the heads of families in said Town of Hanson, in their turn, on demand, with as many of said fish as shall be furnished to each of the families in the said Town of Pembroke; and the person or persons, authorized as aforesaid, to catch said fish, shall, in no case, demand or receive of, or from any of the inhabitants of said Town of Hanson, more than twenty five cents per hundred, and after that rate for a greater or less number. Division of Fish.

SEC. 3. *Be it further enacted*, That whenever, and as often as the Selectmen, or the person or persons, authorized to catch and dispose of the alewife fish, in said Town of Pembroke, under the laws regulating said fishery therein, shall refuse or neglect to comply with, and execute the provisions of the two first sections of this act, the inhabitants of the said Town of Pembroke shall forfeit and pay a sum of not less than twenty, nor more than fifty dollars, for each offence; to be recovered on an action of debt, one moiety thereof to the use of any inhabitant of said Town of Hanson, who shall first sue for the same, and the other moiety to the use of the said Town of Hanson. Limited price of Fish.

[Approved by the Governor, February 16th, 1822.] Forfeitures.

CHAP. LXXXIV.

An Act to incorporate the Proprietors of the Farmers' Hotel, in the Town of Brighton.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Samuel Wyllys Pomeroy, Thaddeus Baldwin, John Murdock, Edward H. Robbins, Junior, and Francis Moore, and their associates, successors and assigns, be, and they are hereby constituted a body politic and corporate, by the name of the Farmers' Hotel: And the said corporation, by the same name, are hereby declared and made capable in law, to sue and be sued, plead and be impleaded; to have a common seal, and the same to alter and renew at pleasure; and generally to do and execute whatever, by law, shall appertain to bodies politic.*

Persons incorporated.

General powers.

SEC. 2. *Be it further enacted, That the said corporation is hereby declared capable to have, hold, and possess certain real estate, situate in the Town of Brighton, that may hereafter be purchased by them, together with all the rights, privileges, and appurtenances belonging to the same; provided, the lawful proprietors thereof shall legally convey the same to said corporation. And the said corporation shall have power to sell, grant, and alien, in fee simple or otherwise, their corporate property, or any part thereof, in said Town of Brighton; and to lease, manage, and improve the same, according to the will and pleasure of the said corporation, to be expressed at any legal meeting: Provided, that the said corporation shall, within three years from the passing of this act, erect on some eligible scite, a spacious hotel, in said Brighton; the walls of which, to be built of stone or brick, and other buildings of such materials as may be found convenient, and that shall be deemed requisite by said corporation, to afford ample accommodation for such an establishment: Provided, always, and it is hereby understood, that this act of incorporation shall be liable to be repealed, whenever the Legislature shall deem*

May hold Real Estate.

Proviso.

May sell property.

Scite of Hotel.

it expedient, that the corporation hereby created, shall Liability to repeal. be abolished.

SEC. 3. *Be it further enacted,* That the said corporate property shall be divided into shares, not exceeding four hundred in number, as the said corporation may find to be most expedient; and the said shares shall be divided among the several proprietors, according to the interest and portions which they may respectively have in said corporate property; and certificates of such shares shall be signed by the President of the corporation, and issued to the proprietors accordingly; and the shares in said corporation shall be transferable by endorsement on the back of said certificate; and the property of said shares shall be vested in the assignee or vendee thereof, when a record shall be made of said transfer, by the Clerk of the corporation, and new certificates shall be issued accordingly; and such shares shall in all respects, be considered as personal estate. Corporate shares Certificates of Shares. Shares transferable.

SEC. 4. *Be it further enacted,* That the said corporation shall have power, from time to time, to assess such sums of money as may be deemed necessary to carry into full effect the object of this incorporation, either for purchasing lands, building, rebuilding and repairing, or for the erection of pens and fences for enclosures, or pastures, and generally, for the improvement or good management of the corporate estate, agreeably to the true intent and meaning of this act: And in case any proprietor shall refuse or neglect to pay any assessment, the said corporation may cause such of the shares of such proprietor, as may be sufficient therefor, to be sold at public auction, after ten days notice, to the highest bidder; and deducting the amount assessed and unpaid, together with interest, and the charges of sale, the surplus, if any, shall be paid over to such proprietor; and the purchaser of such share or shares, so sold, shall be entitled to, and receive a certificate of the share or shares, by him purchased, accordingly. Assessments. Delinquent Shares may be sold.

SEC. 5. *Be it further enacted,* That the corporate property which the said corporation shall have and hold at one time, in virtue of this act, shall not exceed in value, the sum of eighty thousand dollars. And in Limitation of corporate property.

Condition of
votes.

Proviso.

Condition of
contracts.

all meetings of the members of said corporation, for the transaction of business, each member or proprietor shall be entitled to one vote for every share by him held in said corporation; *provided, always*, that no one member shall ever be entitled to more votes than shall be equal to one third part of the corporate property; *and provided, also*, that no assessment shall be made at any meeting, unless the same shall be agreed to by two thirds at least, in number and value of those present or represented at such meeting, nor unless public notice shall have been given at least ten days previous, and of the purpose of such meeting, by the publication thereof in one or more newspapers printed in Boston: *Provided, further*, that no debt shall be contracted by said corporation or their agents, unless the same is assented to by seven eighths in number and value, of all the members or proprietors of said corporation, in a legal meeting; and where said proprietors may appear and act in all cases by proxy, in writing.

Personal liability.

SEC. 6. *Be it further enacted*, That whenever any action shall be commenced against said corporation, or whenever any execution may issue against said corporation, on any judgment rendered in any civil action, and the said corporation shall not within fourteen days after demand thereof made on the President, Treasurer, or Clerk of said corporation, by the officer to whom the writ or execution against said corporation, has been committed to be served, shew to the same officer, sufficient real or personal estate, to satisfy any judgment that may be rendered upon such writ, or to satisfy and pay the creditor the sums due upon such execution, then, and upon such neglect and default, the officer, to whom such writ or execution may have been committed for service, shall serve and levy the same writ or execution upon the body or bodies, and real and personal estate or estates, of any member of said corporation.

Shares may be
attached.

SEC. 7. *Be it further enacted*, That the share or shares, of each and every member of said corporation, shall be liable to attachment on mesne process, at the suit of any creditor, and may be taken on execution, and sold according to law, to satisfy any judgment

which may be recovered against the members of said corporation, respectively, in their respective private capacity, in like manner as shares in other corporations within this Commonwealth, are liable to attachment and seizure on execution; and the proceeds of sale shall be applied as in such cases is provided by law, concerning shares of proprietors of other corporations.

SEC. 8. *Be it further enacted*, That the said S. W. Pomeroy, Francis Moore, or Edward H. Robbins, Junior, may call a meeting of said corporation, by advertising the same in any of the newspapers printed in Boston, ten days at least, before the time of meeting: And the members of said corporation may, at such meeting, choose a President, Treasurer, and Clerk, and also make and ordain such by-laws and regulations, for the orderly management of the affairs of said corporation, as are not repugnant to the laws of this Commonwealth: And the corporation may, at such, or any other meeting, agree on the mode of calling future meetings, and shall elect a President and Clerk, and may elect all such other officers, as said corporation may think fit, for conducting and managing the corporate affairs and estate, and the same may change and remove, as they may think expedient.

SEC. 9. *Be it further enacted*, That the said corporation shall be subject to all the duties, and liable to all the requirements, contained in an act, passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "an act defining the general powers and duties of manufacturing corporations," and the several acts in addition thereto.

[Approved by the Governor, February 18th, 1822.]

CHAP. LXXXV.

An Act making further provision for the redemption of Mortgages.

WHEREAS it is sometimes impossible or inconvenient for mortgagors or others, having a right to redeem mortgaged lands or tenements, to ascertain the sums justly due thereon, so as to make a lawful and sufficient tender before commencing their suit for a redemption of the mortgage ; Therefore,

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That when any mortgagor or other person, having a right to redeem lands and tenements mortgaged or granted upon condition by deed of bargain and sale, with defeasance, shall bring his bill in equity for the redemption thereof within three years next after the mortgagee or vendee, their assigns shall have obtained actual possession of such lands or tenements, for the condition broken, and shall in his bill offer to pay such sum as shall be found justly and equitably due, or to perform such other condition as the case may require, such offer shall have the like force and effect as a tender of payment or performance made before the commencement of the suit; and the bill shall be sustained without any allegation or proof of such previous tender: provided, the mortgagee or those claiming under him, shall, on request, have refused or neglected truly to state his or their account, of the sum due on said mortgage, before the commencement of such suit. And in such case, no cost shall be awarded against the mortgagee or other defendant, unless it shall appear that he has unreasonably refused or neglected to render a just and true account, when thereto requested, of the money due on the mortgage, and of the rents and profits of the mortgaged premises, and the money expended in the repairs and improvements thereof, if any; or that he has otherwise, by his default, prevented the plaintiff or complainant from performing or tendering performance of the condition before the commencement of the suit.*

Mortgages recovered.

Proviso.

Condition of the Costs of Court.

SEC. 2. *Be it further enacted*, That when any mortgage has been or shall be made, for securing the payment of money only, and the whole sum due thereon shall have become payable according to the terms of the contract, the mortgagor or his assigns, on payment or tendering of payment to the mortgagee or his assigns, of the whole sum due as aforesaid, may have their bill in equity, for the redemption of the mortgaged premises, although the mortgagee or his assigns shall not have entered and obtained actual possession of the mortgaged premises for the breach of the condition; or the mortgagor or his assigns may, in such case, have their bill in equity for redemption in manner provided in the first section of this act, without having made such tender or payment before the commencement of the suit; and in each case, the cause shall be heard and determined in like manner as is by law provided on a bill in equity brought after an entry for the breach of the condition: *Provided*, that when the suit is brought, before an actual entry by the mortgagee or his assigns, and before any tender or payment made as aforesaid, if the mortgagee or other defendant to whom the money is payable, shall be out of the Commonwealth, and shall not have had actual notice of the suit, the Court, in which the suit is pending, shall order notice to be given to such absent party, in such manner as the circumstances of the case may appear to require, and may continue the cause as long as may be necessary, in their discretion, to enable such absent party to appear and answer to the suit.

Bill in Equity.

Proviso.

Notice to be given.

SEC. 3. *Be it further enacted*, That no bill in equity shall be hereafter brought or maintained, for the redemption of mortgaged lands or tenements, founded on a tender of payment or of performance of the condition made before the commencement of the suit, unless the suit shall be commenced within one year from the time of passing this act, or within one year next after the making of such tender.

Limitation of the time for the commencing of suits.

[Approved by the Governor. February 18th, 1822.]

CHAP. LXXXVI.

An Act to change the names of the persons therein mentioned.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the several persons herein named, shall be known and called by the names they are respectively allowed to assume, namely: That William Hart Bowles, bookseller, may take the name of William Ralph Hart Bowles; that John Dana, merchant, may take the name of John Bridge Dana; that Deborah Eunson may take the name of Deborah Lincoln; that Peter Nathaniel Green, printer, may take the name of Nathaniel Green; that Pelham Holmes, Junior, merchant, may take the name of James Lobdell Holmes; that Joseph Eckley Huntington, son of the late Reverend Joshua Huntington, may take the name of Joshua Huntington; that Jason Jay Jerome, broker, may take the name of John Jay Jerome; that Sophia Lapham, widow, may take the name of Sophia Dunbar, and that her son, Charles Howard Lapham, a minor, may take the name of Charles Howard Dunbar; that Charles Spring, merchant, may take the name of Charles Augustus Spring; that Edward Stevens, gentleman, may take the name of Edward Lowe Stevens; that John Thayer, a minor, son of the Reverend Nathaniel Thayer, of Lancaster, may take the name of John Eliot Thayer; that John Trull, distiller, son of John Trull, late of Tewksbury, husbandman, deceased, may take the name of John Wyman Trull; that Edward Erving, son of the late Doctor Shirley Erving, deceased, may take the name of Edward Shirley Erving; that Jonathan Stearns, grocer, son of David Stearns, late of Weston, may take the name of Jonathan Packard Stearns, all of Boston, in the County of Suffolk; that Elizabeth Cleaveland, a minor, daughter of Parker Cleaveland, of Rowley, may take the name of Elizabeth Abigail Cleaveland;

Names Changed.

that Joseph Hoyt, Junior, of Amesbury, chaise maker, may take the name of Job Hoyt; that Hannah Hardy, of Bradford, single woman, daughter of Reuben Hardy, of said Bradford, deceased, may take the name of Hannah Coves Hardy; that Jacob Boardman Patten, of Amesbury, gentleman, may take the name of Charles Boardman Patten; that Herbert Peabody, a minor, son of Samuel Peabody, Junior, of Salem, may take the name of Herbert Cheever Peabody; that Ebenezer Sargent, of Amesbury, chaise maker, may take the name of Noah Sargent; that Edward Sargent, of Amesbury, potter, may take the name of Smith Sargent; that Mary Ann Cleaveland Spaulding, of Byfield, may take the name of Mary Ann Cleaveland; that Sarah Toppan Boardman, a minor, daughter of Offin Boardman, of Newburyport, may take the name of Sarah Greenleaf Boardman; that Clement Trickey, of Salem, trader, may take the name of Clement Tracy, all of the County of Essex; that Billy Onthank, of Holliston, may take the name of William Newton Onthank; that William Blanchard, a minor, son of Isaac Blanchard, of Charlestown, may take the name of Sampson Stoddard Blanchard; that Napoleon Bonaparte Hemenway, of Framingham, may take the name of Charles Hemenway; that Amos Prescott, laborer, of Westford, now resident in Pepperell, may take the name of Amos Fletcher Prescott; that Frederick Manson, Junior, of Cambridge, printer, may take the name of Frederick Hurlburt Manson; that Ira Sawyer, of Marlborough, laborer, may take the name of Alfred Ira Sawyer; that Amos Cox, of Weston, son of Joseph Cox, of Waltham, may take the name of Daniel Wyman; that Nathan Weston, of Charlestown, school-master, may take the name of Alexander Nathan Weston, all of the County of Middlesex; that Silas Allen, of Dorchester, may take the name of William Winthrop Allen; that George Minot, the 3d, of Dorchester, may take the name of George Nathaniel Minott; that Willard Savage, of Needham, may take the name of Alonzo Temple; that Alice Sumner, of Brookline, may take the name of Alice Elizabeth Sumner, all of the County of Norfolk; that William Mendell, the 2d, of Rochester, in the County of Ply-

Names Changed.

mouth, may take the name of William P. Mendell; that John Thurston, the 3d, of Lancaster, trader, in the County of Worcester, may take the name of John Gates Thurston; that Peter Hunt, Junior, of Seekonk, in the County of Bristol, may take the name of Peter Brown Hunt; that Darius Morris, of Springfield, in the County of Hampden, student at law, may take the name of Richard Darius Morris. And the said several persons before named, shall hereafter, be called and known by the names which, by this act, they are respectively allowed to assume as aforesaid; and the same shall be considered as their only proper and legal names.

[Approved by the Governor, February 18th, 1822.]

CHAP. LXXXVII.

An Act to annex Joseph Baker and others, to the Universalist Society of Western and Brookfield.

Persons annexed

Conditions of annexation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joseph Baker, Sewall Glazier, Benjamin Brooks, William Webster, Ebenezer Hitchcock, William James, Solomon F. Olds, Saunders Allen, Francis Webber, Elijah Allen, Jesse S. Brownsville, Lemuel Allen, Henry Fairbanks, Oliver Thayer, Parmenus Thayer, Levi Fairbanks, and Simon Fay, inhabitants of the Towns of Brimfield and Sturbridge, with their families, polls and estates, be, and they are hereby annexed to the Universalist Society of Western and Brookfield; with all the powers and privileges incident to that corporation: *provided*, that the aforementioned persons shall be held bound to pay all arrears of taxes assessed upon, and due from them to any religious society, to which they have heretofore belonged.

[Approved by the Governor, February 18th, 1822.]

CHAP. LXXXVIII.

An Act to repeal An Act, entitled "An Act for regulating the size of Bricks."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the act passed in the year of our Lord one thousand seven hundred and eleven, entitled "an act for regulating the size of bricks," be, and the same is hereby repealed.

[Approved by the Governor, February 20th, 1822.]

CHAP. LXXXIX.

An Act to incorporate the Trustees of the Ministerial Fund in the First Parish in Marshfield.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joseph Hewet, Isaac Dingley, Bourn Thomas, Robert Cushman, and Anthony Thomas, be, and they hereby are appointed Trustees to sell the ministerial lands belonging to the First Parish in Marshfield, to receive subscriptions, and procure donations, in manner herein after provided.

SEC. 2. *Be it further enacted,* That said Trustees be, and they hereby are incorporated into a body politic, by the name of the Trustees of the Ministerial Fund in the First Parish in Marshfield; and they or their successors shall be, and continue a body politic and corporate, by that name, forever; and they shall have a common seal, subject to be altered at the pleasure of said parish; and they may sue and be sued, plead and be impleaded, in all actions, real, personal,

and mixed, and prosecute and defend the same to final judgment and execution, by the name aforesaid.

Officers to be
chosen.

SEC. 3. *Be it further enacted*, That said Trustees and their successors, shall annually elect a President, and a Clerk, to record the doings of said Trustees, at their meetings, and a Treasurer, to receive and apply the monies herein after mentioned, as herein directed, and any other needful officers, for the better managing their business.

Duties of Offi-
cers.

Annual Meeting.

SEC. 4. *Be it further enacted*, That the number of said Trustees shall be five, any three of whom, shall be a quorum for transacting business: And the said parish, at any legal meeting thereof, shall and may, from time to time, fill up vacancies in the Board of Trustees, which may happen from death, resignation, or otherwise, from the members of said parish; and shall also have power to remove any of their members who may become unfit and incapable from age, misconduct, infirmity, or any other cause, of discharging their duties, and supply a vacancy so made, by a new choice from their parish, within three months from the time of such removal: And the said Trustees shall annually, hold a meeting in the month of March or April, and as much oftener as may be found necessary, to transact their business; which meeting, after the first, shall be called in such way and manner, as the Trustees shall direct: And said Trustees shall be obliged, at the annual meeting of said parish, to be holden in the month of March or April, to make a full and complete statement of all their doings, to said parish; and no one of said Trustees shall hold his office as such, any longer than he remains a member of said parish.

First Meeting.

SEC. 5. *Be it further enacted*, That any Justice of the Peace, within and for the County of Plymouth, shall, on application of a majority of said Trustees, fix the time and place of calling the first meeting of said Trustees, and administer the necessary oath to the Clerk, then to be chosen.

SEC. 6. *Be it further enacted*, That said Trustees be, and they hereby are authorized to sell and convey, in fee simple, all the parsonage and ministerial lands belonging to said parish, (saving and excepting that

part made use of as a burying yard, and that part where the meeting house now stands,) and to make and execute good and sufficient warrantee deed or deeds, of the same, subscribed with the name of the Treasurer, by direction of said Trustees, with their seal thereto affixed; which said deed or deeds, shall be good and effectual in law, to pass and convey the fee simple in said lands in the parish, to the purchaser, to all intents and purposes whatever.

Disposition of
property.

SEC. 7. *Be it further enacted*, That said Trustees shall further be authorized to receive any donation, to the use and for the benefit of said parish, the annual income of which shall not exceed one thousand dollars; and the same to place on the books and accounts to be kept by them, with the amount of this donation, and the time when made.

Donations may
be received.

SEC. 8. *Be it further enacted*, That the said Trustees be, and they are hereby authorized and empowered to receive subscriptions for the use and benefit of said parish, from any individual or individuals of said parish, to the amount or more, of his or their proportion of taxes in the parish, to be paid for the support of the ministry, or other parish expenses; and on receiving the same, and making it secure by an obligation, to remit or discharge said individual or individuals, so subscribing or binding him or themselves, from all taxes in said parish, so long as the subscription aforesaid shall remain and be in force, and no longer: the said obligation to be given to the Treasurer of said Board of Trustees, for the use and benefit of said parish.

Subscriptions.

SEC. 9. *Be it further enacted*, That the monies arising from the sale of said lands, and the donations and subscriptions aforesaid, shall be put out at interest, as soon as may be, and secured by mortgage of real estate, to double the amount of the estate sold; or the monies loaned, or by two or more sufficient sureties, or bank stock, which they are hereby authorized to do: And said parish shall at no time, appropriate more than the interest that may actually arise from the sale of the lands aforesaid, and the donations and subscriptions aforesaid, to the payment of the salary of their Minister, or any other parish charge or expense, whatever.

Property shall be
put at interest.

Trustees must
give bonds.

SEC. 10. *Be it further enacted*, That the Treasurer of said Board of Trustees shall give bond to the parish, to double the amount of their funds, faithfully to perform his duty, and shall be responsible for the faithful application and appropriation of all the monies which may come into his hands, and for all negligence and misconduct in his office; and the Clerk of said Board of Trustees shall be under oath, faithfully to record the doings of said Trustees.

Compensation to
Trustees.

SEC. 11. *Be it further enacted*, That the Trustees, or their officers, shall be entitled to no compensation for the services they may perform, out of the monies arising from the fund aforesaid; but, if entitled to any, shall have and receive the same from said parish, as may be mutually agreed between the parish and them; and the said Trustees shall at all times be liable to said parish for any negligence or misconduct of which they may be guilty, and accountable for the expenditure of said income.

Duty of Trustees.

SEC. 12. *Be it further enacted*, That nothing contained in this act shall be construed to bar or prevent said parish from raising any monies they may deem necessary to discharge parish expenses, and to assess the same in manner provided by law; and said Trustees shall be holden and obliged annually, between the first Monday in April and the first Monday in May, to furnish the Assessors of said parish with a correct list of all the persons excused and exempted from taxation in said parish, as above provided; and it shall never be in the power of said Trustees, or of said parish, to make any other appropriation of the funds aforesaid, than to support the gospel ministry of said parish.

[Approved by the Governor, February 20th, 1822.]

CHAP. XC.

An Act to incorporate the President, Directors and Company of the Columbian Bank.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Phineas Upham, Edmund Dwight, Samuel Appleton, William Appleton, Thomas Motley, and Daniel P. Parker, their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the Columbian Bank; and shall so continue from the third Wednesday of April next, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty one: And the said corporation shall always be subject to the rules, restrictions, limitations, taxes, and provisions, and be entitled to the same rights, privileges, and immunities, which are contained in an act, entitled "an act to incorporate the President, Directors and Company of the State Bank," except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act, were herein specially recited and enacted: *Provided, however,* that the amount of bills issued from said bank, at any one time, shall not exceed fifty per centum, beyond the amount of the capital stock actually paid in.

Persons incorporated.

Restriction of power.

Proviso.

Limitation of bills to be issued.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall consist of the sum of five hundred thousand dollars, in gold or silver, to be, besides such part as this Commonwealth may subscribe, in manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following, that is to say: one fourth part thereof, on or before the first day of May next; one fourth part thereof, on or before the first day of August next; one fourth part thereof, on or before the first day of November next, and the residue on or be-

Capital Stock.

fore the first day of February next; and no dividend shall be declared on the capital stock of said bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act; and the stock holders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof; which being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine: And the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain to them, their successors and assigns, lands, tenements, and hereditaments, to the amount of fifty thousand dollars, and no more, at any one time; with power to bargain, sell, dispose and convey the same, by deed, under the seal of said corporation, and signed by the President, or two of the Directors; and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they may think advisable: *Provided, however,* that nothing herein contained, shall restrain or prevent said corporation from taking and holding real estate, in mortgage or on execution, to any amount as security for, or in payment of any debts due to the said corporation: *And provided, further,* that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver, in their vaults, shall amount to one hundred and twenty five thousand dollars; nor until said capital stock actually in said vaults, shall have been inspected and examined by three Commissioners, to be appointed by the Governor, for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in said vaults, and to ascertain by the oath of the Directors of said bank, or a majority of them, that said capital stock hath been bona fide paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose, and that it is intended therein to remain as part of said capital; and to return a certificate thereof to the Governor. And

Transfer of stock

May hold Real Estate.

Proviso.

Examination of stock.

no stockholder shall be allowed to borrow any money at said bank, until he shall have paid in his full proportion of the whole of said capital stock, as herein before provided and required. Restriction of Loans.

SEC. 3. *Be it further enacted*, That said bank shall be established and kept in Boston.

SEC. 4. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth, any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time; reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum: *Provided, however*, that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital, then paid in. Loans to State.

SEC. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in any two of the newspapers printed in Boston, for the purpose of making, ordaining, and establishing such by-laws and regulations for the orderly conducting of the affairs of said corporation, as the stockholders shall deem necessary, and the choice of the first Board of Directors, and such other officers, as they may see fit to choose. First Meeting.

SEC. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor, by law, to subscribe on account of the Commonwealth, a sum not exceeding two hundred and fifty thousand dollars, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be, by the Legislature, made and established. By-Laws.

SEC. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the Directors, by law, to be chosen by Choice of Officers.

State Subscriptions.

State Directors. the stockholders, the Legislature shall have a right, from time to time, to appoint a number of Directors to said bank, in proportion as the sum paid from the Treasury of the Commonwealth shall bear to the whole amount of stock, actually paid into said bank, if at any time hereafter, they shall see fit to exercise that right.

Cashier to give bonds. SEC. 8. *Be it further enacted*, That the Cashier, before he enters upon the duties of his office, shall give bond with sureties, to the satisfaction of the Board of Directors, in a sum not less than fifty thousand dollars, with conditions for the faithful discharge of his office.

State Tax. SEC. 9. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay by way of tax, to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday in October and April, annually, the half of one per centum on the amount of stock which shall have been actually paid in.

Bills altered or counterfeited, to be redeemed. SEC. 10. *Be it further enacted*, That the said corporation shall be liable to pay to any bona fide holder, the original amount of any note of said bank, counterfeited or altered in the course of its circulation, to a larger amount, notwithstanding such alteration: And the said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay, or exchange, any bill or note of said bank, or of any other incorporated bank within this Commonwealth, for any less sum, than the nominal value expressed in such bill or note.

Validity of Act. SEC. 11. *Be it further enacted*, That the capital stock of the said bank, shall not be sold, or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year from the time of passing this act: And in case the same shall not be put into operation, according to the provisions thereof, within the year aforesaid, it shall be void.

[Approved by the Governor, February 20th, 1822.]

CHAP. XCI.

An Act to incorporate the President, Directors and Company of the Eagle Bank.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Henry Gray, Joseph Balch, William Goddard, Abbot Lawrence, John A. Lowell, Elisha Brigham, Nathaniel Curtis, Enoch Silsby, Benjamin Thompson, Joshua Blake, Titus Welles, and Robert Waterson, their associates, successors, and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the Eagle Bank; and shall so continue from the thirteenth day of April next, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty one; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act, entitled "an act to incorporate the President, Directors and Company of the State Bank," except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act, were herein specially recited and enacted: *Provided, however,* that the amount of bills issued from the bank, at any time, shall not exceed fifty per centum beyond the amount of the capital stock actually paid in.

Persons incorporated.

Restrictions.

Proviso.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall consist of the sum of five hundred thousand dollars, in gold or silver, to be, besides such part as this Commonwealth may subscribe, in manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following; that is to say: one fourth part thereof, on or before the first day of May next; one fourth part thereof, on or before the first day of August next; one fourth part thereof, on or before the first day of November next; and the residue on or be-

Condition of
Loans.

fore the first day of February next. And no stockholder shall be allowed to borrow at said bank, until he shall have paid in his full proportion of the whole of said capital stock of five hundred thousand dollars; and no dividend shall be declared on the capital stock of said bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act. And the stockholders at their first meeting shall, by a

Transfer of stock

majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof; which being entered on the books of said corporation, shall be binding in the stockholders, their successors and assigns, until they shall otherwise determine. And the said corporation are hereby made capable in law,

May hold Real
Estate.

to have, hold, purchase, receive, possess, enjoy, and retain to them, their successors and assigns, lands, tenements and hereditaments, to the amount of fifty thousand dollars, and no more, at any one time; with power to bargain, sell, dispose, and convey the same, by deed under the seal of said corporation, and signed by the President or two of the Directors, and to loan and negotiate their monies and effects by discounting on banking principles, on such security as they shall think advisable: *Provided, however,* that nothing herein contained shall restrain or prevent said corporation from taking or holding real estate, in mortgage or on execution, to any amount, as security for, or in payment of any debt due to the said corporation: *And provided, further,* that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver, in their vaults, shall amount to one hundred and twenty five thousand dollars; nor until said capital stock actually in said vaults, shall have been inspected and

Examination of
Capital.

examined by three Commissioners, to be appointed by the Governor, for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in said vaults, and to ascertain by the oath of the Directors of said bank, or a majority of them, that said capital stock hath been bona fide paid in by the stockholders of said bank, and towards payment of their respective shares, and not for

any other purpose; and that it is intended therein to remain as part of said capital stock; and to return a certificate thereof to the Governor.

SEC. 3. *Be it further enacted*, That the said bank Location. shall be established and kept in Boston.

SEC. 4. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth, any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter period, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum: *Provided, however*, that the Proviso. Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than Restriction of State Loan. twenty per centum of their capital then paid in.

SEC. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in any two of the newspapers printed in Boston, for the purpose of making, ordaining and establishing such by-laws and regulations for the orderly By-Laws. conducting the affairs of said corporation, as the stockholders shall deem necessary, and the choice of the first Board of Directors, and such other officers as they Choice of Officers. shall see fit to choose.

SEC. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor, by law, to subscribe on account of the Commonwealth, a sum not exceeding two hundred and fifty thousand dollars, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the managment thereof, as shall be, by the legislature, made and established. State Subscriptions.

SEC. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the Directors, by law, to be chosen by the stockholders, the Legislature shall have a right,

State Directors. from time to time, to appoint a number of Directors to said bank, in proportion as the sum paid from the Treasury of the Commonwealth shall bear to the whole amount of stock actually paid into said bank, if at any time hereafter, they shall see fit to exercise that right.

Bonds of Cashier. SEC. 8. *Be it further enacted*, That the Cashier, before he enters upon the duties of his office, shall give bond with sureties, to the satisfaction of the Board of Directors, in a sum not less than fifty thousand dollars, with conditions for the faithful discharge of his office.

State Tax. SEC. 9. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay by way of tax, to the Treasurer of this Commonwealth, for the use of the same, within ten days after the first Monday of October and April, annually, the half of one per centum on the amount of stock which shall have been actually paid in.

Bills altered or counterfeited, to be redeemed. SEC. 10. *Be it further enacted*, That the said corporation shall be liable to pay to any bona fide holder, the original amount of any note of said bank, counterfeited or altered in the course of its circulation, to a larger amount, notwithstanding such alteration: And that the said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay or exchange any bill or note of said bank, or any other incorporated bank within this Commonwealth, for any less sum than their nominal value, expressed in such bill or note.

Validity of stock. SEC. 11. *Be it further enacted*, That the capital stock of the said bank shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year from the time of passing this act; and in case the same shall not be put into operation according to the provisions thereof, within the year aforesaid, it shall be void.

[Approved by the Governor, February 21st, 1822.]

CHAP. XCII.

An Act in further addition to an Act, entitled "An Act for regulating, governing, and training the Militia of this Commonwealth."

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the following persons, notwithstanding their being above the age of eighteen, and under the age of forty five years, be, and they are hereby conditionally exempted from military duty, as Exempts. follows, viz.: licensed physicians and surgeons, all officers who have held, or may hereafter hold, a commission or commissions, in the army or navy of the United States, or in the militia of this, or any other of the United States, for a term less than five years; and all persons who are, or may hereafter be, between the ages of thirty five and forty five years, be, and they are hereby exempted from all military duty, except that of keeping themselves constantly furnished with the arms and equipments required by the laws of Must keep arms, &c. the United States, and the duty of carrying or sending them, on the first Tuesday of May, annually, to the place of inspection or view of arms, of the company, within whose bounds they may reside, and in which they are enrolled; and the duty of attending elections of company officers, and that of paying the sum of two dollars into the town treasury, as heretofore provided.

SEC. 2. *Be it further enacted*, That the uniform of Uniforms. the militia, (except that portion thereof, whose uniforms are regulated by the laws of the United States,) shall be such as His Excellency the Commander in Chief shall prescribe, and be subject to such restrictions, limitations, and alterations, as he may order.

SEC. 3. *Be it further enacted*, That it shall be the duty of each Brigadier General, within whose brigade a band of music is organized and established, to order Music. at least one section of said band to attend each regimental review, within his brigade.

Training.

SEC. 4. *Be it further enacted*, That every commanding officer of a company, shall have the same power and authority to train and discipline his company on the first Tuesday in May, in each year, as he has on other days, when his company is paraded for exercise.

Company orders.

SEC. 5. *Be it further enacted*, That hereafter, when any non commissioned officer or officers, private or privates, shall be ordered to notify and warn any portion of the company to which he belongs, to parade for any military duty, it shall be the duty of such non commissioned officer or officers, private or privates, so ordered as aforesaid, to give notice of the time and place of parade of said company, to each and every man, he or they shall have been ordered to notify, either by giving to each man personal notice, or by leaving at his usual place of abode, a written or printed order.

Part of act repealed.

SEC. 6. *Be it further enacted*, That so much of the twenty second section of the act to which this is in addition, as requires every town and district in this Commonwealth, to provide and deposit sixty four pounds of good gun powder, for every sixty four soldiers enrolled within said town or district, be, and the same is hereby repealed.

Supply of Gun Powder.

SEC. 7. *Be it further enacted*, That whenever, in the opinion of the Commander in Chief, the exigencies of the Commonwealth shall require, it shall be his duty to issue his proclamation, calling upon the several towns and districts to provide and deposit in some convenient place within said towns or districts, sixty four pounds of good gun powder, for every sixty four soldiers enrolled within said towns or districts, and the same proportion for a greater or less number of soldiers, enrolled as aforesaid, until His Excellency the Governor, by his proclamation, shall declare it unnecessary that the said towns and districts should be any longer provided with powder as aforesaid: and every town or district which shall neglect, upon the proclamation of the Governor as aforesaid, to provide, and keep itself provided with gun powder as aforesaid, shall forfeit and pay to the use of the Commonwealth, a sum not exceeding five hundred dollars, nor less than twenty

dollars, according to the nature and degree of the neglect, to be recovered by indictment or information, in any court of competent jurisdiction; and it shall be the duty of each Brigade Quarter Master, in his own brigade, to cause such delinquent town or district to be prosecuted or presented. Fines.

SEC. 8. *Be it further enacted*, That it shall be the duty of the Selectmen, in every town and district in this Commonwealth, annually, in the month of August, to make out a schedule of all the articles of military stores with which their respective towns and districts are supplied, and deliver the same to the Colonel or commanding officer of the regiment within which such town or district is situated; and it shall be the duty of such Colonel or commanding officer, with his next regimental return, to state the same, that it may be transmitted to the office of the Adjutant General. Schedule of Military Stores to be furnished.

SEC. 9. *Be it further enacted*, That all General Courts Martial shall be constituted of a President, a Judge Advocate, six Members, and a Marshal; and the officer appointing a Court Martial, may, at his discretion, order a number of officers, not exceeding three, to be detailed, as supernumeraries, in addition to the six intended to serve as members, to attend the court at the organization thereof: And all Division Courts Martial, hereafter appointed, shall consist of a President, Judge Advocate, three Members and a Marshal; and the officer ordering such Court Martial, may, at his discretion, order one officer to be detailed, in addition to the three intended to serve as members, as a supernumerary to attend the court at the organization thereof: and each General or Division Court Martial, hereafter ordered as aforesaid, shall have power to inflict such fine on any officer, by said court convicted, as under the circumstances of the case, to said court shall seem reasonable, not exceeding the sum of two hundred dollars, to be sued for and recovered by the Judge Advocate who served on said court, before any court proper to try the same, and for the use of the Commonwealth. Regulations of Courts Martial. Fines.

SEC. 10. *Be it further enacted*, That any non commissioned officer or private, who shall refuse, or wilfully neglect to give any notice or warning, when

Forfeitures.

ordered thereto by the commanding officer of the company to which he belongs, shall, for such offence, forfeit not less than twenty, nor more than fifty dollars.

Excuses.

SEC. 11. *Be it further enacted*, That all excuses for non appearance of any non commissioned officer or private, shall be made within twenty days after any training, view of arms, or other military duty, to the commanding officers of their respective companies: And on the delinquent's producing satisfactory evidence of his inability to appear, his commanding officer may excuse him; but no excuse shall avail such non commissioned officer or private, on any prosecution for the recovery of a fine or forfeiture, unless made to the commanding officer aforesaid, before the expiration of twenty days aforesaid, or unless said delinquent shall satisfy the Justice before whom the case may be tried, that it was not in his power to make said excuse within twenty days as aforesaid.

Former act relating to Brigade Quarter Masters, repealed.

SEC. 12. *Be it further enacted*, That so much of the twenty second section of the act, entitled "an act for regulating, governing and training the militia of this Commonwealth," as relates to the duty of the Brigade Quarter Masters, in the month of September, to view and inspect the military stores in each town and district within their brigade, be, and the same is hereby repealed.

Compensation to Staff Officers.

SEC. 13. *Be it further enacted*, That the staff officers herein after named, shall be entitled to receive, annually, as full compensation for the services which appertain to their respective offices, the following sums, to wit: the senior Aid de Camp to each Major General, the sum of twenty five dollars; the Brigade Major and Inspector, the sum of forty dollars; each Adjutant of a regiment, the sum of twenty five dollars; and each Adjutant of a battalion of artillery, cavalry, or infantry, the sum of fifteen dollars.

Courts Martial.

SEC. 14. *Be it further enacted*, That whenever the Adjutant General shall be a complainant against any officer, for neglect of duty in making his returns, he shall not be required to be present to prosecute his complaint before the Court Martial which shall have cognizance of the same; and in all cases in which returns are required by law or general orders, to be

made to the Adjutant General, his certificate, that the same was, or was not made, shall be sufficient evidence of the fact.

SEC. 15. *Be it further enacted*, That the act, entitled "an act regulating the time for inspecting military stores, parading the troops, and fixing the compensation of certain staff officers," passed on the twenty-fourth day of February, in the year of our Lord one thousand eight hundred and twenty, be, and the same is hereby repealed. Former act repealed.

SEC. 16. *Be it further enacted*, That all division, brigade and regimental staff officers, who are now in commission, not having been appointed by the present commanding officers of divisions, brigades and regiments, shall be discharged by His Excellency the Governor, upon the application of their respective commanding officers aforesaid; which discharges shall operate as an absolute exemption from military duty. Discharges.

SEC. 17. *Be it further enacted*, That all laws heretofore made, so far as they are inconsistent with the provisions of this act, be, and the same are hereby repealed. Repeal of acts.

[Approved by the Governor, February 21st, 1822.]

CHAP. XCIII.

An Act to incorporate the Town of Monroe.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all that tract of land called the Gore, lying north of Florida, being bounded west by Clarksburgh, and north by Vermont line, together with all that part of Rowe lying west of Deerfield River, and extending to the middle of said river, be, and hereby is incorporated as a town, by the name of Monroe, and be annexed to the County of Franklin; and the inhabitants of said Town of Monroe, are Boundaries.

Powers and pri-
vileges.

hereby vested with all the powers and privileges, and shall also be subject to all the duties and requisitions of other corporate towns, according to the constitution and laws of this Commonwealth.

Arrears of taxes
to be paid.

SEC. 2. *Be it further enacted*, That the inhabitants of the Town of Monroe shall be holden to pay the arrears of all state, county, and town taxes, which have been legally assessed upon them, together with their proportion of all debts due from said Town of Rowe, prior to the date of this act. And the said Town of Monroe shall be entitled to receive their proportion of the debts and taxes due to the said Town of Rowe, when collected and paid into the treasury of said town; and the said Town of Monroe shall be entitled to hold their proportion, according to the present valuation, of all the real and personal property, belonging to the Town of Rowe, before the passing of this act.

Proportion of the
debts.

Provision for the
Poor.

SEC. 3. *Be it further enacted*, That the said Town of Monroe shall be holden to support their proportion of the poor of the Town of Rowe, which are now chargeable to said town; which proportion shall be ascertained by the present valuation of the town; and all persons who may hereafter become chargeable, as paupers, to the said Towns of Rowe and Monroe, shall be considered as belonging to that town, on the territory of which, they had their settlement, at the time of the passing of this act, and shall in future be chargeable to that town only.

Meetings.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the County of Berkshire, is hereby empowered, upon application therefor, to issue a warrant directed to a freehold inhabitant of the said Town of Monroe, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at such convenient time and place as shall be appointed in the said warrant, for the choice of such officers, as towns are by law, authorized to choose and appoint at their annual town meetings.

[Approved by the Governor, February 21st, 1822.]

CHAP. XCIV.

An Act in addition to an Act ascertaining what shall constitute a legal settlement in any Town or District within this Commonwealth.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That so much of an act ascertaining what shall constitute a legal settlement of any person in any town or district within the Commonwealth, so as to entitle him to support therein, in case he becomes poor, and stands in need of relief; and for repealing all laws heretofore made respecting such settlement, passed the eleventh day of February, in the year of our Lord one thousand seven hundred and ninety four, as is contained in the fourth paragraph of the second section of said act, be, and the same is hereby repealed. Former act repealed.

SEC. 2. *Be it further enacted,* That any person of twenty one years of age, being a citizen of this, or any of the United States, having an estate of inheritance or freehold in any town, district, or city, within this Commonwealth, and living on the same three years successively, shall thereby gain a settlement in the same, so as to entitle him or her to support therein, in case he or she becomes poor, and stands in need of relief. Conditional relief.

SEC. 3. *Be it further enacted,* That if any person, standing in need of relief, shall be supported in any town, district, or city, in this Commonwealth, other than in the one in which such person may have a legal settlement, the town, district, or city, in which such person has a legal settlement, shall not, in any case, be subjected to a greater expense, than at the rate of one dollar per week, during the continuance of such supplies; *provided,* the town, district or city, in which such person has a legal settlement, shall cause such pauper to be removed within thirty days from the time of receiving legal notice, that such support has been furnished. Rate of expense for poor persons.

[Approved by the Governor, February 21st, 1822.]

CHAP. XCV.

An Act for dividing the Commonwealth into Districts for the choice of Counsellors and Senators.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the Commonwealth be, and hereby is divided into thirteen Districts for the choice of Counsellors and Senators, and that each District be, and hereby is authorized and directed to choose the number of Counsellors and Senators to the same, hereinafter, respectively, affixed, in the manner prescribed by the constitution and laws of this Commonwealth.

The County of Suffolk shall form one district, and choose six Senators.

The County of Essex shall form one district, and choose six Senators.

The County of Middlesex shall form one district, and choose five Senators.

Division of Districts.

The County of Worcester shall form one district, and choose five Senators.

The County of Norfolk shall form one district, and choose three Senators.

The County of Hampshire shall form one district, and choose two Senators.

The County of Hampden shall form one district, and choose two Senators.

The County of Franklin shall form one district, and choose two Senators.

The County of Berkshire shall form one district, and choose two Senators.

The Counties of Bristol and Dukes' County shall form one district, and choose three Senators.

The County of Plymouth shall form one district, and choose two Senators.

The County of Barnstable shall form one district, and choose one Senator.

The County of Nantucket shall form one district, and choose one Senator.

[Approved by the Governor, February 21st, 1822.]

CHAP. XCVI.

An Act for limiting the term of imprisonment for Fines and Forfeitures, incurred for breaches of the laws regulating the Militia of the Commonwealth.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the first day of April next, no person shall be liable to be imprisoned, on any execution issued, or to be issued on any judgment rendered, or which shall be rendered against him, for the recovery of any fine or forfeiture incurred by a breach of the militia laws of this Commonwealth, for and during a longer time than six days: and the keeper of any goal, to which any person hereafter shall be committed on any execution issued as aforesaid, shall, at the expiration of said term of six days, from and after such commitment, discharge such person from his imprisonment. And any person who has been committed to any goal, on any execution which issued on any judgment rendered for the same cause, and has been there confined for the term of six days, shall be forthwith discharged from his imprisonment and set at liberty, any law, usage or custom, to the contrary notwithstanding.

Limitation of imprisonment.

SEC. 2. *Be it further enacted,* That every judgment rendered for the cause aforesaid, after the judgment debtor shall be discharged from prison, in manner as aforesaid, shall be, and remain good and effectual in law, against the goods and chattels of such debtor, of which he may be afterwards possessed, for the satisfaction of the debt and costs of suit, as well as all costs arising in consequence of such imprisonment.

Fines to be secured by prosecution.

SEC. 3. *Be it further enacted,* That after the judgment debtor shall have been committed to prison, and discharged therefrom in manner aforesaid, the cost of commitment shall be added to, and become a part of the costs of suit; for the recovery of which, as well as the debt, any execution in due form of law, may be

Debtor to pay costs

sued out against the goods and chattels of the judgment debtor, but not against his body.

[Approved by the Governor, February 21st, 1822.]

CHAP. XCVII.

An Act for the preservation and regulation of the Fishery in the Towns of Fairhaven, New Bedford, Dartmouth, and Westport.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the first day of March next, it shall not be lawful for any person living without the jurisdiction of this Commonwealth, to take any lobsters, tautog, bass, or other fish, within the harbors, streams, or waters of the Towns of Fairhaven, New Bedford, Dartmouth, and Westport, for the purpose of carrying away from said waters, in smacks or vessels owned without the Commonwealth, of any size, nor any owned within this Commonwealth, over fifteen tons; and any and every person offending against the provisions of this act, shall forfeit and pay the sum of ten dollars for every offence, and also forfeit all the fish and lobsters so taken.

Forfeitures for illegal fishing.

SEC. 2. *Be it further enacted,* That the waters and shores of said Towns of Fairhaven, New Bedford, Dartmouth, and Westport, shall be considered and taken, by this act, to extend from the line of the State of Rhode Island to the line of the County of Plymouth, including all the waters, islands and rocks, lying within one mile of the main land.

Boundaries.

SEC. 3. *Be it further enacted,* That all fines and forfeitures which may be incurred for offences against this act, shall be, one half to him or them, who may first sue for the same, and the other half to the use of the town, to which the complainant belongs; and the said fines and forfeitures may be recovered, with legal

Division of fines.

costs of suit, by action of debt or information, before any Justice of the Peace for the County of Bristol; and any person or persons aggrieved at the sentence of the Justice of the Peace, given in pursuance of this act, may appeal therefrom to the next Court of Common Pleas to be holden in the county, in which judgment may be rendered.

[Approved by the Governor, February 22d, 1822.]

CHAP. XCVIII.

An Act authorizing Justices of the Peace to take recognizances in certain cases.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That any Justice of the Peace before whom any person is brought, on a complaint for any crime, misdemeanor, or other offence, may take the recognizance of such person, with surety or sureties, in a reasonable sum, for his appearance before said Justice, for further examination at a future time, not exceeding ten days. Recognizances may be taken.

SEC. 2. *Be it further enacted,* That if the person thus recognized, shall not appear before said Justice, at the time appointed for further examination, as set forth in the recognizance, it shall be the duty of said Justice, to note his default upon the record, and certify the same recognizance with the record of the default in the performance of the condition thereof, to the Court of Common Pleas, that a scire facias may issue thereon, or an action of debt be brought for the recovery of the penalty. Issue of scire facias.

[Approved by the Governor, February 22d, 1822.]

CHAP. XCIX.

An Act making Members of School Districts competent witnesses in certain cases.

Competent witnesses.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, any member of any school district, shall and may be admitted as a competent witness, and his deposition used in the same manner as inhabitants of towns, districts, precincts, or parishes, or religious incorporated societies, are by law, now admitted, and their depositions used.

[Approved by the Governor, February 22d, 1822.]

CHAP. C.

An Act to incorporate the President, Directors and Company of the City Bank.

Persons incorporated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That William B. Swett, Amos Binney, John French, Thomas Cordis, and Theodore Wright, their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the City Bank; and shall so continue from the third Wednesday of April next, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty one: And the said corporation shall always be subject to the rules, Restrictions, &c. restrictions, limitations, taxes, and provisions, and be entitled to the same rights, privileges, and immunities, which are contained in an act, entitled "an act to incorporate the President, Directors and Company of

Restrictions, &c.

the State Bank," except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act, were herein specially recited and enacted: *Provided, however,* that the amount of bills issued from said bank, at any one time, shall not exceed fifty per centum beyond the amount of the capital stock actually paid in. Proviso.
Amount of bills to be issued.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall consist of the sum of five hundred thousand dollars, in gold or silver, to be, besides such part as this Commonwealth may subscribe, in manner herein after mentioned, divided into shares of one hundred dollars each, which shall be paid in manner following; that is to say: one fourth part thereof, on or before the first day of May next; one fourth part thereof, on or before the first day of August next; one fourth part thereof, on or before the first day of November next, and the residue on or before the first day of February next: And no dividend shall be declared on the capital stock of said bank, until the whole of said stock shall have been paid in, conformably to the provisions of this act. And the stockholders at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof; which being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine. And the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain to them, their successors and assigns, lands, tenements and hereditaments, to the amount of fifty thousand dollars, and no more, at any one time; with power to bargain, sell, dispose, and convey the same, by deed under the seal of said corporation, and signed by the President, or two of the Directors; and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they may think advisable: *Provided, however,* that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate, in mortgage or on execution, to any amount as security for, or in payment of any debts due to the said corporation: *And provi-*

Capital Stock.

Instalments.

Transfers.

May hold Real Estate.

ded, further, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and actually paid in, and existing in gold and silver, in their vaults, shall amount to one hundred and twenty five thousand dollars; nor until said capital stock, actually in said vaults, shall have been inspected and examined by three Commissioners to be appointed by the Governor, for that purpose, whose duty it shall be, at the expense of the corporation, to examine the monies actually existing in said vaults, and to ascertain by the oath of the Directors of said bank, or a majority of them, that said capital stock hath been bona fide paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose; and that it is intended therein to remain as a part of said capital; and to return a certificate thereof to the Governor. And no stockholder shall be allowed to borrow any money at said bank, until he shall have paid in his full proportion of the whole of said capital stock, as herein before provided and required.

Examination of
Capital.

SEC. 3. Be it further enacted, That the said bank shall be established and kept in Boston.

Location.

*SEC. 4. Be it further enacted, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth, any sum of money which shall be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter time, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum: *Provided, however,* that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in.*

State Loans.

SEC. 5. Be it further enacted, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in any two of the newspapers printed in Boston, for the purpose of making, ordaining and esta-

First Meeting.

blishing such by-laws and regulations for the orderly By-Laws. conducting the affairs of said corporation, as the stockholders shall deem necessary, and the choice of the first Board of Directors, and such other officers, as they shall see fit to choose.

SEC. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor, by law, to subscribe on State subscrip-
tions. account of the Commonwealth, a sum not exceeding two hundred and fifty thousand dollars, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be, by the legislature, made and established.

SEC. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the Directors, by law, to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of Directors State Directors. to said bank, in proportion as the sum paid from the Treasury of the Commonwealth shall be to the whole amount of stock, actually paid into said bank, if at any time hereafter, they shall see fit to exercise that right.

SEC. 8. *Be it further enacted*, That the Cashier, before he enters upon the duties of his office, shall give bond with sureties, to the satisfaction of the Cashier to give
bonds. Board of Directors, in a sum not less than fifty thousand dollars, with conditions for the faithful discharge of his office.

SEC. 9. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay, by way of tax, to the Treasurer of this State Tax. Commonwealth, for the use of the same, within ten days after the first Monday of October and April, annually, the half of one per centum on the amount of stock which shall have actually been paid in.

SEC. 10. *Be it further enacted*, That the said corporation shall be liable to pay to any bona fide holder, the original amount of any note of said bank, counterfeited or altered in the course of its circulation, to a larger amount, notwithstanding such alteration: And Spurious bills to
be paid.

that the said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay, or exchange any bill or note of said bank, or of any other incorporated bank within this Commonwealth, for any less sum, than the nominal value expressed in such bill or note.

SEC. 11. *Be it further enacted*, That the capital stock of the said bank shall not be sold or transferred, but shall be holden by the original subscribers thereto, for and during the period of one year, from the time of passing this act; and in case the same shall not be put into operation, according to the provisions thereof, within the year aforesaid, it shall be void.

Conditions of the
Charter.

[Approved by the Governor, February 23d, 1822.]

CHAP. CI.

An Act for the preservation of Bridges.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the proprietors of any incorporated, chained, or arched bridge, within this Commonwealth, be, and they are hereby authorized and empowered to make and adopt such by-laws as they may deem necessary, to prevent any person or persons, from riding or driving any horse or horses, over such bridge, at a rate faster than a walk, under a penalty not exceeding two dollars, for the violation thereof, to be recovered by action of debt, before any court having jurisdiction thereof, for the use of the corporation: *Provided, however*, that no person shall be liable to such penalty, unless the proprietors of such bridge shall cause to be posted up, and kept at each end of such bridge, at some conspicuous place, a board, painted with a white ground, containing in black letters, the substance of said by-laws.

Rate of Riding.

SEC. 2. *Be it further enacted*, That this law shall go into operation on the first day of April next.

[Approved by the Governor, February 23d, 1822.]

CHAP. CII.

An Act in addition to an act, entitled "An Act to prevent the destruction of the Lobster Fishery, in the Town of Provincetown."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the first day of May next, it shall not be lawful for any person to take any lobsters, within the waters and shores of the Town of Provincetown, as defined and described in the act, entitled "an act to prevent the destruction of the lobster fishery, in the Town of Provincetown, in the County of Barnstable, and to preserve and regulate the same, in the waters and the shores of said town," for the purpose of carrying away the same from said waters, in any smack or vessel whatever, of more than fifteen tons burthen; or for the purpose of putting the same on board any such smack or vessel, to be transported to any place, without first obtaining a permit, in writing, from the Selectmen of said town; Permits to be granted. which they are hereby authorized to grant to any person, for such sum, paid to the use of said town, and on such conditions as they shall think proper. And every person offending against any of the provisions of this act, shall, for every such offence, forfeit and pay the sum of ten dollars; and in case the number of lobsters, so unlawfully taken or found on board any such smack or vessel, shall exceed one hundred, such person shall, in addition to such penalty, forfeit and pay a further Fines. sum of ten dollars for each hundred lobsters, so taken or found; and in that proportion for a larger or smaller number over the first hundred.

SEC. 2. *Be it further enacted,* That all forfeitures incurred by any breach of this act, shall enure, one Suits may be sustained for breaches of this law. half thereof to him or them, who shall sue for the same, and the other half to the use of the said Town of Provincetown; and the same shall be recovered, with legal costs of suit, by an action of debt, in any

court proper to try the same; and no person shall be disqualified from giving evidence in any such action, by reason of his being an inhabitant of said town.

[Approved by the Governor, February 23d, 1822.]

CHAP. CIII.

An Act to annex George Fairbanks and others, to the North Parish in Wrentham.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That George Fairbanks, Solomon Blake, Benjamin Blake, Ambrose Boyden, and Daniel Blake, Junior, with their estates, be, and they hereby are set off from the first parish, and annexed to the north parish, in the Town of Wrentham.

Persons set off.

[Approved by the Governor, February 23d, 1822.]

CHAP. CIV.

An Act to provide a Salary for the County Attorney for the County of Suffolk.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of April next, there shall be allowed and paid out of the treasury of the County of Suffolk, annually, the sum of one thousand dollars, to the County Attorney for said county, in full compensation for his services, and in lieu of all fees and charges heretofore received by him.

Salary of Attorney.

SEC. 2. *Be it further enacted*, That all fees, in all

indictments, informations, or other prosecutions, or suits, criminal or civil, which shall, from and after the said first day of April next, be taxed or received by the County Attorney for said County of Suffolk, shall be paid over to the Treasurer of said County of Suffolk; and the County Attorney for said county, shall, from and after the said first day of April, render a quarterly account to the said Treasurer, of all fees received by him; and also, a further account of all fees taxable by law, for services performed by him, and which have not been received by him.

Fees to be paid
to County Treas-
urer.

[Approved by the Governor, February 23d, 1822.]

CHAP. CV.

An Act to incorporate the Manufacturers' Insurance Company, in Boston.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Ebenezer T. Andrews, John Bumstead, Samuel Billings, George Bond, Seth Knowles, John Williams, Isaac Parker, John French, Jesse Putnam, Benjamin Rich, and Amos Binney, with their associates, successors and assigns, be, and they hereby are incorporated into a company and body politic, by the name of the Manufacturers' Insurance Company; with power to insure manufactories, and other buildings and property, against fire; and to be governed and controlled by the provision contained in a law of this Commonwealth, entitled "an act to define the powers, duties, and restrictions of insurance companies," passed the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, so far as they may apply to a corporation established for the sole purpose of insuring against the risk of fire; and with authority to make insurances against fire, on buildings, machinery, and stock, em-

Persons incorpo-
rated.

Privileges.

Limitation of act
 General powers.
 May hold Real Estate.

ployed in manufacturing, and on dwelling houses, and all other buildings and property, liable to be burned or injured by fire, for and during the term of twenty years after the passing of this act; and by that name may sue and be sued, plead and be impleaded, appear, prosecute, and defend to final judgment and execution; and may have a common seal, which they may alter at pleasure; and may purchase, hold, and convey any estate, real or personal, for the use of said company; *provided* their real estate shall not exceed the value of fifty thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said company.

Corporate shares

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, sixty six and two thirds per centum of which, shall be paid in money, within ninety days after the first meeting of said company, and the residue thereof, within two years from the passing of this act, in such instalments, and under such penalties, as the President and Directors shall, in their discretion, direct and appoint.

Directors.
 Annual Meeting.
 Condition of votes.

SEC. 3. *Be it further enacted*, That the property, affairs, and concerns of said company, shall be managed and conducted by twelve Directors, one of whom, shall be President thereof, who shall hold their offices for one year, and until others are chosen, and who shall be stockholders in said company, and citizens of this Commonwealth at the time of their election, which shall be on the second Tuesday of January, in every year, at such time of the day, and place in Boston, as a majority of the Directors, for the time being, shall appoint; notice of which election, shall be given in two newspapers printed in Boston, at least ten days previous to the election, which shall be made by written ballot, and by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock; *provided*, that no stockholder shall be allowed more than thirty votes; and absent stockholders may vote by proxy. And if, from any cause, the Directors shall not be chosen on the second Tuesday of January as aforesaid, it shall be lawful to choose

them on any other day, in the manner herein provided.

SEC. 4. *Be it further enacted*, That the said Directors shall meet as soon as may be, after every election, and choose from their own Board, one person to be President, who shall be sworn to the faithful discharge of the duties of his office; and every vacancy in the office of President or Directors, that may occur in the interim of the annual meetings, may be filled by a special election, in the manner herein prescribed for the annual elections. Officers to be chosen, and vacancies filled.

SEC. 5. *Be it further enacted*, That the President and three Directors, or four Directors in the absence of the President, shall be a Board competent to transact the business of the company; and all questions before them shall be decided by a majority of the Board; and they shall have power to make such rules and by-laws, as they may deem proper for the management of the affairs, and security of the property of said company, and have power to appoint a Secretary, and such other officers, as they think expedient, and make such compensation as they may deem adequate to the services performed: *Provided*, that such rules and by-laws be not repugnant to the laws of this Commonwealth. By-Laws. Compensation to officers.

SEC. 6. *Be it further enacted*, That any two of the persons named in this act, are hereby authorized to call a first meeting of said company, for the purpose of organizing and putting the same into operation, by giving notice in two newspapers printed in Boston, three days previous to the time of holding such first meeting; and in case this act shall not be put into operation, within one year from the passing thereof, the same shall be void. First Meeting.

SEC. 7. *Be it further enacted*, That the said company shall never take on any one risk, a sum exceeding ten per centum on the capital stock of said company, actually paid in, agreeably to the provisions of this act. Limitation of risks.

[Approved by the Governor, February 23d, 1822.]

CHAP. CVI.

An Act to set off certain persons from Dudley, and annex them to Southbridge, in the County of Worcester.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Otis Ammidown, Caleb Ammidown, Thomas Cheney, Joel Cheney, Jera Mansfield, Charles Cheney, and Hiram Cheney, together with their estates, shall be, and hereby are set off from Dudley, and annexed to the Town of Southbridge; to enjoy all the privileges and immunities of the inhabitants of Southbridge; bounded as followeth: beginning at the Great Monument, on the line between said Dudley and Southbridge; from thence north, twenty four degrees east, two hundred and forty rods, to a corner of Caleb Ammidown's land; thence north, twenty two degrees east, thirty two rods; thence north, ten degrees east, two hundred and thirty rods, to Quinabaug River, so called; thence up said river, one hundred and one half rods, to a chesnut tree on the bank of said river; thence north, four degrees west, one hundred and sixty six rods; thence north, nine and one fourth degrees east, two hundred and sixty rods, to a black oak tree, on Southbridge north line.

Persons set off.

Boundaries.

SEC. 2. *Be it further enacted*, That the Town of Southbridge shall maintain all persons who heretofore have, now are, or may hereafter, gain a settlement in the abovementioned premises, and may become chargeable to any town in this Commonwealth.

Conditions of towns.

SEC. 3. *Be it further enacted*, That the persons aforesaid shall pay all taxes that now are assessed on the Town of Dudley, agreeably to the valuation of the premises aforesaid; and the Town of Southbridge shall maintain and keep in repair, one third part of the Vinton Bridge, so called, in Dudley, forever; *provided*, the persons before mentioned, shall have the same privilege of the inhabitants of Dudley, to obtain materials to repair the same.

Conditions of separation.

[Approved by the Governor, February 23d, 1822.]

CHAP. CVII.

An Act to apportion and assess a Tax of Seventy Five Thousand Dollars, and to provide for the reimbursement of Eighteen Thousand, Six Hundred and Ninety Two Dollars, paid out of the public treasury, to the Members of the House of Representatives, for their attendance the three last sessions of the General Court.

Annual State
Tax.

[Approved by the Governor, February 23d, 1822.]

CHAP. CVIII.

An Act for regulating the supplies of Food, and other articles, for the State Prison, and for letting by contract, the labor of the Convicts.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the first day of April next, there shall not be purchased for the support and maintenance of the convicts in the State Prison, any other articles of food, than coarse beef, pork, and mutton, lard, fish, rye and indian meal, beans, potatoes, salt, vinegar, molasses, and soft soap; that no milk, nor liquor of any kind, shall be permitted for their use, except water; nor shall any groceries of any kind, or any articles used in the preparation of food, be purchased for the consumption of the said convicts, other than those named above, with the exception of such articles as may be needed for patients in the hospital, which shall be provided at the requisition, in writing, of the Physician to the prison.

Prisoners' Food.

SEC. 2. *Be it further enacted,* That from and after the first day of April next, no article of food or drink, of any kind, shall be purchased at the expense of the State, for the consumption of the Keeper, Turnkeys,

Pay of Rations.

Watchmen, or any other officer, connected with the prison, nor shall any rations of any kind, be delivered to them, or any one of them; but that, in lieu of the rations now furnished to the officers above named, there shall be allowed to each of the individuals above named, to be received in quarterly or monthly payments—To the Keeper, the sum of three dollars, and to each of the others, two dollars per week: And it shall be their duty to form themselves into a mess or messes, and to appoint one or more of their number, to take charge of providing the provisions, solid or liquid, they may wish to consume; and they shall have free use of the kitchen, store rooms, and fuel for their use, which will be furnished by the prison, without charge.

Supplies to be contracted for.

SEC. 3. *Be it further enacted*, That from and after the first day of April next, all the articles required by the terms of this act, shall be furnished by sealed tender, for the term of one year. And the Warden shall cause an estimate to be prepared of the quantities that may be wanted; and the Directors shall give public notice by causing advertisements to be inserted three times, in two different newspapers published in Boston, between the first and tenth day of March, annually, stating that sealed tenders will be received for the supplies of the articles wanted, and each of them separately, to be delivered at such times, and in such quantities, as the Warden and Directors may appoint, and to be paid for in quarterly payments; which tenders shall be opened by the Warden, in the presence of the Directors, and the lowest offer shall be accepted: and the person so contracting, shall give bonds in a suitable penalty, for the due performance of the same.

Contracts for raw materials.

SEC. 4. *Be it further enacted*, That from and after the first day of April next, all raw materials wanted for the use of the prison, such as stone, wood, fuel, hospital stores, iron, steel, and hardware goods, and also the truckage, shall be furnished by contract. And the Warden shall prepare an estimate of the probable quantities of these articles; and he, with the Directors, shall furnish a form of tender for these articles that may be most conveniently separated; and public notice shall be given in the same manner, as is provi-

ded in the third section of this act, and the same stipulations and securities entered into, for the delivery and payment of these articles, and doing the truckage.

SEC. 5. *Be it further enacted*, That such part of the convicts, who are not employed in laboring for account of the prison, shall annually, be let to contractors, for the term of one year, to begin from the first of April; and that notice shall be given, by advertising in the same manner, as is provided in the third section of this act, that all persons may apply at the prison, to receive information regarding the prisoners, and the work they can perform; and sealed tenders shall then be received for any number of them, to be employed in such labor as the contractor may prefer, subject to the regulations established for the government of the prison; the contractors shall give bond for the payment of the hire, in equal quarterly payments: And no officer of the prison shall ever be concerned, directly or indirectly, in any contract for the hire of the convicts, under pain of dismissal from his office: *provided*, that nothing in this act shall go to destroy the fulfilment of any contracts heretofore entered into, on account of the prison.

Employment of
Prisoners.

SEC. 6. *Be it further enacted*, That the State shall have a preferent claim over all other creditors, for any debts arising out of these contracts.

Claims of State.

[Approved by the Governor, February 23d, 1822.]

CHAP. CIX.

An Act to regulate the Administration of Justice within the County of Suffolk, and for other purposes.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Town of Chelsea shall continue to be a part of the County of Suffolk, for all purposes relating to the administration of jus-

Judicial connexion.

tice, as though this act had not been passed; excepting that the Town of Chelsea shall not be liable to taxation for any county purposes, until the Legislature shall otherwise order; and excepting also, as herein after provided, concerning the jurisdiction of Justices of the Peace. That the Court of Common Pleas in the County of Suffolk, shall have jurisdiction in all matters and things, which, in relation to the Town of Chelsea, or the inhabitants thereof, were cognizable by the Court of Sessions in the County of Suffolk, before the passing of this act.

Police Court.

Daily sessions.

Recognizances.

Powers of the Court.

Appeals.

Returns of warrants.

SEC. 2. *Be it further enacted*, That there shall be, and hereby is established within and for the City of Boston, a Police Court, to consist of three learned, able, and discreet persons, to be appointed and commissioned by the Governor, pursuant to the constitution, and the senior Justice shall preside in said Court; and a Court shall be held daily, at nine o'clock in the forenoon, and at three o'clock in the afternoon, by some one or more of said Justices; and at any other times when necessary, to take cognizance of all crimes, offences, and misdemeanors, whereof Justices of the Peace may take cognizance by law; and of all offences which may be cognizable by one or more of said Justices, according to the by-laws, rules, and regulations which may be established by the proper authority of the City of Boston. And the Court hereby constituted, shall hear and determine all suits, complaints, and prosecutions, in like manner as is by law provided, for the exercise of the powers and authority which are, or may be vested in Justices of the Peace; and do all such acts necessary to, or consistent with, such powers and authority, reserving to any party aggrieved, an appeal, in like manner as appeals may be claimed in all other cases: *Provided, always*, that no one of said Justices shall be of counsel, or attorney, to any party, in any matter or thing whatsoever, which may be pending before said Justices, or either of them.

SEC. 3. *Be it further enacted*, That all warrants issued by said Justices, or either of them, or by any Justice of the Peace within the City of Boston, shall be made returnable, and be returned, before the said Police Court: *Provided, always*, that no process re-

turnable before a Justice of the Peace residing in said Town of Chelsea, except for causes of complaint arising in Chelsea, shall be served within the City of Boston. And if any warrant shall be issued by any Justice of the Peace, who is not one of the Justices of the said Police Court, the lawful fees payable therefor, shall not be paid nor allowed, unless, on the examination or hearing before said Police Court, it shall appear to said Court, that there was just and reasonable cause for issuing said warrant; in which case, such fees, costs, and charges, shall be allowed and taxed, Costs, &c. in like manner, as though said warrant had been issued by a Justice of the Peace, according to the law now in force.

SEC. 4. *Be it further enacted*, That the said Justices of said Court shall severally receive, in full compensation for all services herein before assigned to them, such salary, annually, payable out of the treasury of Salaries. the City of Boston, as the City Council shall fix and determine, payable quarter yearly;—the said annual salary shall include, and be payment in full, not only for the services rendered by the said Justices, in all prosecutions, suits, and complaints, but also in full for all other services required of them by this act, excepting when acting as members of the Board of Accounts, as herein after provided for.

SEC. 5. *Be it further enacted*, That there shall be a Clerk of said Police Court, to be appointed and Clerk of Police. commissioned by the Governor, with the advice of Council, and removable by the same authority, whose duty it shall be to attend every Court held by the said Justices of the said Police Court, or either of them, and to record all proceedings therein had, and to make out all warrants and processes, which the said Justices, or either of them, may order; to tax all bills of cost, and receive fines, penalties, and costs; and to Account of fees. exhibit, quarter yearly, to the Board of Accounts, herein after established, a particular account of all sums of money by him received as such Clerk, and shall pay over all sums by him so received, to the City Treasurer, immediately after his accounts shall have been examined and certified by said Board of Accounts; and the accounts so exhibited, from time to

time, shall be recorded by the City Treasurer, in a book to be by him kept for that purpose, when the same, with the certificate of allowance thereof, by said Board, shall be exhibited to him by said Clerk, and the said accounts shall be filed and safely kept by said Treasurer. That the said Clerk shall be sworn to the faithful performance of his duty; and shall give bond, with one or more surety or sureties, to the acceptance of the said City Treasurer, for the faithful performance of the duties of his office, in such penalty as the City Council shall determine; and the said Clerk shall receive from the City Treasury such annual compensation, payable quarter yearly, as the City Council shall fix and determine, and no other compensation whatever. That the said Clerk shall not advise with, nor be of counsel, nor attorney, to any party in any suit, complaint or process whatsoever, pending, or to be brought before said Court; and shall be removable for any act by him done in contravention of this provision.

Clerk's bonds.

Pay of Clerk.

Assistant Clerks.

Proviso.

The said Clerk is hereby authorized and empowered, with the consent and approbation of the Justices of said Court, to employ, if it be found necessary so to do, one or more Assistant Clerks; but the said Clerk shall be responsible for all persons by him so employed; and the said City Council may allow to such Assistant Clerk or Clerks, a reasonable and just compensation, payable out of the City Treasury, on the certificate of the said Board of Accounts, that such Assistant Clerk or Clerks were necessarily employed: *Provided, always*, that the said Clerk of said Police Court, shall take all lawful fees, for copies which he may make out and certify, at the request of any party or person, and shall endorse thereon, the amount of said fees, and account for all fees by him so received, to the City Treasurer.

Justices Court.

SEC. 6. *Be it further enacted*, That a Court shall be held by one or more of said Justices, on two several days in each week, and as much oftener as may be necessary, to be called and styled the Justices' Court for the County of Suffolk; which Court shall have original, exclusive jurisdiction and cognizance of all civil suits and actions, which before, and until the

passing of this act, might, by law be heard, tried and determined before any Justice of the Peace, within and for the County of Suffolk; and an appeal shall be allowed from all judgments in said Justices' Court, in like manner as appeals are now allowed by law, from judgments of Justices of the Peace in civil actions in the said County of Suffolk. All writs, and summons, and processes, may be tested by either of the Justices of said Court; and it shall be the duty of said Justices to keep a true and faithful account of all fees by them respectively received in civil suits and actions, and to render a just and true account thereof, on oath, quarter yearly, to the Board of Accounts; and all sums of money, by them so received, shall be accounted for, and paid into the City Treasury: and it shall be the duty of such Justice, to make a true and faithful record, according to law, of his proceedings in every trial and process of a civil nature, which may be had before him. That all the Justices of the said Court shall, from time to time, assemble, to establish all necessary rules for the orderly and uniform conducting of the business of said Courts, both of civil and criminal jurisdiction, and to agree upon the manner and course, in which they shall respectively perform the duties by this act assigned to them, so as to ensure a constant, prompt and punctual performance thereof, and to equalize the same, as near as may be, among themselves.

Board of Accounts.

Uniform Rules.

And the said Justices, when assembled, shall have power to discharge from prison any person or persons, who may be there held, for no other cause than the non-payment of fine and costs, if it shall appear to said Justices that such person or persons are poor and unable to pay the same: *Provided, always*, that when such person or persons are held under sentence of the Municipal Court, that the assent of the Judge of that Court, that such person or persons, shall be discharged, shall be first given.

Discharges from Prison.

SEC. 7. *Be it further enacted*, That all suits, actions and prosecutions, which shall be instituted, and which shall be pending before any Justice of the Peace, within the County of Suffolk, at the time when the said Police Court, and the said Court of the Justices of the

Pending suits.

County of Suffolk, shall have been organized, and shall have been duly qualified to perform the duties hereby assigned to said Courts, shall be heard and determined as though this act had not been passed.

SEC. 8. *Be it further enacted,* That the Court of Common Pleas, holden within and for the County of Suffolk, shall have, exercise, and perform, all the powers and duties, which, before the passing of this act, were by law had, exercised, and performed, by the Court of Sessions in said county, with regard to streets and ways, and with regard to all other suits, processes, and proceedings whatsoever, in which a trial by jury may be had or required;—and such trial shall be had at the bar of said Court of Common Pleas, in the same manner as other civil causes are there tried, by the Jurors there returned and empannelled; and the Jury, to whom such cause may be committed, shall be taken to view the place in question, if either party shall request it. And all suits and processes, pending in said Court of Sessions, at the passing of this act, whereof cognizance and jurisdiction is hereby given to the said Court of Common Pleas, shall be transferred to, and heard and determined in the said Court of Common Pleas, as though the same had been originated or instituted in said Court, in pursuance of this act.

SEC. 9. *Be it further enacted,* That the Judge of Probate for the County of Suffolk, and the Judge of the Municipal Court of the Town or City of Boston, and the said Justices of the Police Court, shall be, and they hereby are constituted a Board of Accounts: and the said Board shall assemble quarter yearly, and as much oftener as may be found necessary; and when so assembled, shall have power, and it shall be their duty, to adjust, liquidate, examine, and allow, all bills of costs, accounts and charges, which may be made, or which may arise in the course of proceedings in the said Police Court, and in the Municipal Court, and in the maintenance and keeping of the prisoners in the jail of the County of Suffolk, and of all other charges and expenses in keeping said jail, and of all other places of confinement and punishment, within the City of Boston; and the said Board of Accounts shall cer-

tify, that said accounts, charges, and expenses, have been examined and allowed by them—and the certificate of such examination and allowance shall be endorsed on the accounts exhibited to said Board, and shall be addressed to the public officer by whom such charges, fees, and expenses, may be payable by law.

SEC. 10. *Be it further enacted*, That the said Judges and Justices are empowered, and it is hereby made their duty, to assemble quarter yearly, and proceed to inspect the jail in the County of Suffolk, and all other places of confinement and punishment for crimes, offences, or non-payment of fines or debts, and to make report of their proceedings to the Mayor and Aldermen of the City of Boston; and therein to state all grievances, mismanagements, and negligence, which they may find to exist; and therein to suggest such changes and improvements, as to them may seem wise and expedient. Any three or more of said Justices and Judges shall constitute a quorum for the performance of the duties hereby assigned to them. And the said Judges and Justices shall be entitled to have and receive, out of the City Treasury, the sum of three dollars respectively, for each and every day which may be by them devoted to the performance of the duties hereby assigned to them. Inspection of Prisons.

SEC. 11. *Be it further enacted*, That the Court of Sessions, within and for the County of Suffolk, be, and the same is hereby abolished: And the Mayor and Aldermen of the City of Boston, for the time being, shall have all the powers, and perform all the duties, which before, and until the passing of this act, were had and performed by the Court of Sessions, excepting as otherwise provided for by this act, or any other act relating to the transfer of the powers heretofore vested in said Court of Sessions. Court of Sessions abolished.

SEC. 12. *Be it further enacted*, That the Treasurer of the City of Boston shall be, *ex officio*, Treasurer of the County of Suffolk; and shall keep all such books as may be proper and necessary, as Treasurer of the City of Boston, and as Treasurer of the county. Treasurer.

SEC. 13. *Be it further enacted*, That all taxes which may be assessed for city or county purposes, within the City of Boston, may be assessed separately. Assessment of Taxes.

ly, as county taxes and as city taxes, or under the denomination of city taxes only, as the city government may see fit, from time to time, to order and direct.

Auditors.

SEC. 14. *Be it further enacted*, That the City Government of the City of Boston shall have power and authority to provide for the appointment and compensation of one or more Auditors, and of one or more Clerks in the Treasury Department, as said government may find to be necessary or convenient.

Places for holding Courts.

SEC. 15. *Be it further enacted*, That it shall be the duty of the Mayor and Aldermen of the City of Boston, to provide convenient and proper places for the holding of the Courts by this act established.

Acts repealed.

SEC. 16. *Be it further enacted*, That this act shall go into operation on and after the first day of June next; and that all acts and parts of acts, which are repugnant to the provisions of this act, be, and the same are hereby repealed.

Conditional clause.

SEC. 17. *Be it further enacted*, That this act shall be of no force or effect, unless a certain act passed at the present session, entitled "an act establishing the City of Boston," shall be accepted by the inhabitants of the Town of Boston, pursuant to the provision therein made. And in case said act shall be so accepted, and that fact certified to His Excellency the Governor, by the Selectmen of the Town of Boston, His Excellency is hereby authorized to announce the same by proclamation; whereupon this act shall be in full force, and go into operation at the time herein before limited.

[Approved by the Governor, February 23d, 1822.]

CHAP. CX.

An Act establishing the City of Boston.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the inhabitants of the

Town of Boston, for all purposes, for which towns are by law incorporated, in this Commonwealth, shall continue to be one body politic, in fact and in name, under the style and denomination of the City of Bos-
Title.
 ton; and as such, shall have, exercise, and enjoy, all the rights, immunities, powers, and privileges, and
General powers.
 shall be subject to all the duties and obligations, now incumbent upon, and appertaining to said town, as a municipal corporation. And the administration of all the fiscal, prudential, and municipal concerns of said city, with the conduct and government thereof, shall be vested in one principal officer, to be styled the Mayor; one select Council, consisting of eight persons, to be denominated the Board of Aldermen; and
City Offices,
 one more numerous Council, to consist of forty eight persons, to be denominated the Common Council; which Boards in their joint capacity, shall be denominated the City Council, together with such other Board of Officers, as are herein after specified.

SEC. 2. *Be it further enacted,* That it shall be the duty of the Selectmen of Boston, as soon as may be, after the passing of this act, to cause a new division of
Wards;
 the said town to be made into twelve wards, in such manner as to include an equal number of inhabitants in each ward, as nearly as conveniently may be, consistently with well defined limits to each ward; including in such computation of numbers of inhabitants,
Computation of numbers.
 persons of all descriptions, and taking the last census, made under the authority of the United States, as a basis for such computation. And it shall be in the power of the City Council, herein after mentioned, from time to time, not oftener than once in ten years, to alter such division of wards, in such a manner as to preserve, as nearly as may be, an equal number of inhabitants in each ward.

SEC. 3. *Be it further enacted,* That on the second Monday of April, annually, the citizens of said city, qualified to vote in city affairs, shall meet together,
Election of City Officers.
 within their respective wards, at such time and place, as the Mayor and Aldermen may, by their warrant, direct and appoint: and the said citizens shall then choose by ballot, one Warden and one Clerk, who shall be a resident in said ward, who shall hold their

Duty of Warden
and Clerk.

offices for one year, and until others shall be appointed in their stead. And it shall be the duty of such Warden to preside at all meetings of the citizens of such ward, to preserve order therein; and it shall be the duty of such Clerk, to make a fair and true record, and keep an exact journal of all the acts and votes of the citizens, at such ward meetings; to deliver over such records and journals, together with all other documents and papers held by him, in said capacity, to his successor in such office. And if, at the opening of any annual meeting, the Warden of such ward should not be present, the Clerk of such ward shall call the citizens to order, and preside at such meeting, until a Warden shall be chosen by ballot. And if, at any other meeting, the Warden shall be absent, the Clerk in such case, shall so preside, until a Moderator, or Warden, *pro tempore*, shall be chosen; which may be done by nomination and hand-vote, if the Clerk so direct. At such meeting also, five Inspectors of Elections shall be chosen, for such ward, being residents therein, by ballot, to hold their offices for one year. And it shall be the duty of the Warden and Inspectors, in each ward, to receive, sort, count, and declare all votes, at all elections within such ward. And the Warden, Clerk, and Inspectors, so chosen, shall, respectively, be under oath, faithfully and impartially to discharge their several duties, relative to elections; which oath may be administered by the Clerk of such ward, to the Warden, and by the latter, to the Clerk and Inspectors, or by any Justice of the Peace of the County of Suffolk; and a certificate of such oaths having been administered, shall be entered in the record or journal, to be kept by the Clerk of such ward.

Inspectors.

Duties of Inspectors.

Powers of Warden.

SEC. 4. *Be it further enacted*, That the Warden, or other presiding officer, of such ward meeting, shall have full power and authority to preserve order and decorum therein, and to repress all riotous, tumultuous, and disorderly conduct therein; and for that purpose, to call to his aid, any Constable, or other peace officer, and also to command the aid and assistance of any citizen or citizens, who may be present; and any peace officer, or other citizen, neglecting or refusing to afford such aid, shall be taken and deemed to be guilty

of a misdemeanor. And such Warden shall also have power and authority, by warrant, under his hand, to cause any person or persons, who shall be guilty of any riotous, tumultuous, or disorderly conduct at such meeting, to be taken into custody, and restrained; *provided, however*, that such restraint shall not continue after the adjournment or dissolution of such meeting; *and provided, further*, that the person, so guilty of such disorderly conduct, shall be liable, notwithstanding such restraint, to be prosecuted and punished, in the same manner, as if such arrest had not been made. Proviso.

SEC. 5. *Be it further enacted*, That the citizens of said city, qualified to vote in city affairs, at their respective ward meetings, to be held on the second Monday in April, annually, shall be called upon to give in their votes for one able and discreet person, being an inhabitant of the city, to be Mayor of said city, for the term of one year. And all the votes so given in, in each ward, being sorted, counted, and declared by the Warden and Inspectors of Elections, shall be recorded at large, by the Clerk, in open ward meeting; and in making such declaration and record, the whole number of votes or ballots, given in, shall be distinctly stated, together with the name of every person voted for, and the number of votes given for each person respectively; such numbers to be expressed in words at length: and a transcript of such record, certified and authenticated by the Warden, Clerk, and a majority of the Inspectors of Elections for each ward, shall forthwith be transmitted or delivered by such Ward Clerk, to the Clerk of the city. And it shall be the duty of the City Clerk, forthwith to enter such returns, or a plain and intelligible abstract of them, as they are successively received, upon the journal of the proceedings of the Mayor and Aldermen, or some other book to be kept for that purpose. And it shall be the duty of the Mayor and Aldermen to meet together, within two days after such election, and to examine and compare all the said returns, and to ascertain whether any person has a majority of all the votes given for Mayor: And in case a majority is so given, it shall be their duty to give notice thereof, in writing, to the person thus elected, and also to make the same known to the Choice of Mayor.

Returns of votes.

Examination of votes.

Continued Elections.

inhabitants of said city. But if, on such an examination, no person appears to have a majority of all the votes given for Mayor, the Mayor and Aldermen, for the time being, shall issue their warrants for meetings of the citizens of the respective wards, for the choice of a Mayor, at such time and place, as they shall judge most convenient: And the same proceedings shall be had in all respects, as are herein before directed, until a Mayor shall be chosen by a majority of all the voters, voting at such election. And in case of the decease, inability, or absence of the Mayor, and the same being declared, and a vote passed by the Aldermen and Common Council, respectively, declaring such cause, and the expediency of electing a Mayor, for the time being, to supply the vacancy thus occasioned, it shall be lawful for the Aldermen and Common Council to meet in convention, and elect a Mayor to hold the said office, until such occasion shall be removed, or until a new election.

Vacancies to be supplied.

Board of Aldermen.

SEC. 6. *Be it further enacted*, That the citizens in their respective ward meetings, to be held on the second Monday of April, annually, shall be called upon to give in their votes for eight persons, being inhabitants of said city, to constitute the Board of Aldermen, for the ensuing year; and all the votes so given, being sorted, counted, and declared by the Warden and Inspectors, shall be recorded at large, by the Clerk, in open ward meeting; and in making such declaration and record, the whole number of votes or ballots given in, shall be particularly stated, together with the name of every person voted for, and the number of votes given for each person; and a transcript of such record, certified by the Warden and Clerk, and a majority of the Inspectors of each ward, shall, by the said Clerk, within two days, be transmitted to the City Clerk; whereupon the same proceedings shall be had, to ascertain and determine the persons chosen as Aldermen, as are herein before directed, in regard to the choice of Mayor, and for a new election, in case of the whole number required, not being chosen at the first election. And each Alderman, so chosen, shall be duly notified in writing, of his election, by the Mayor and Aldermen for the time being.

Mode of Election

SEC. 7. *Be it further enacted,* That the citizens of each ward, qualified to vote as aforesaid, at their respective ward meetings, to be held on the second Monday of April, annually, shall be called upon to give in their votes for four able and discreet men, being inhabitants of said ward, to be members of the Common Council; and all the votes given in as aforesaid, in each ward, and being sorted, counted, and declared by the Warden and Inspectors, if it appear that four persons have a majority of all the votes given in, at such election, a public declaration thereof, with the names of the persons so chosen, shall be made in open ward meeting, and the same shall be entered at large, by the Clerk of such ward, in his journal, stating particularly, the whole number of votes given in, the number necessary to make a choice, and the number actually given for each of the persons, so declared to be chosen. But, in case four persons are not chosen at the first ballot, a new ballot shall be opened for a number of Common Councilmen, sufficient to complete the number of four; and the same proceedings shall be had, as before directed, until the number of four shall be duly chosen: *Provided, however,* that if the said elections cannot conveniently be completed on such day, the same may be adjourned to another day, for that purpose, not longer distant than three days. And each of the persons so chosen, as a member of the Common Council, in each ward, shall, within two days of his election, be furnished with a certificate thereof, signed by the Warden, Clerk, and a majority of the Inspectors of such ward; which certificate shall be presumptive evidence of the title of such person to a seat in the Common Council: but such Council, however, shall have authority to decide ultimately, upon all questions relative to the qualifications, elections, and returns of its members.

Common Council.

Mode of conducting election.

Adjournment of meeting.

Authority of the Common Council

SEC. 8. *Be it further enacted,* That every male citizen of twenty one years of age and upwards, excepting paupers, and persons under guardianship, who shall have resided within the Commonwealth one year, and within the city six months next preceding any meeting of citizens, either in wards, or in general meeting, for municipal purposes, and who shall have paid by him-

Qualification of Electors.

Exempts.

self or his parent, master or guardian, any state or county tax, which within two years next preceding such meeting, shall have been assessed upon him, in any town or district in this Commonwealth, and also every citizen who shall be, by law, exempted from taxation, and who shall be in all other respects, qualified as above mentioned, shall have a right to vote at such meeting, and no other person shall be entitled to vote at such meeting.

Oath of office.

SEC. 9. *Be it further enacted*, That the Mayor, Aldermen, and Common Councilmen, chosen as aforesaid, shall enter on the duties of their respective offices on the first day of May, in each year, unless the same happen on a Sunday: and in that event, on the day following: and before entering on the duties of their offices, shall respectively, be sworn, by taking the oath of allegiance and oath of office, prescribed in the constitution of this Commonwealth, and an oath to support the constitution of the United States. And such oaths may be administered to the Mayor elect, by any one of the Justices of the Supreme Judicial Court, or any Judge of any Court of Record, commissioned to hold any such Court, within the said city, or by any Justice of the Peace for the County of Suffolk. And such oaths shall and may be administered to the Aldermen and members of the Common Council, by the Mayor, being himself first sworn as aforesaid: and a certificate of such oaths having been taken, shall be entered in the journal of the Mayor and Aldermen, and of the Common Council, respectively, by their respective Clerks.

Mayor & Aldermen to act as one body.

General powers.

SEC. 10. *Be it further enacted*, That the Mayor and Aldermen, thus chosen and qualified, shall compose one Board, and shall sit and act together as one body, at all meetings, of which the Mayor, if present, shall preside: but in his absence, the Board may elect a Chairman, for the time being. The said Board together with the Common Council, in convention, shall have power to choose a Clerk, who shall be sworn to the faithful discharge of the duties of his office, who shall be chosen for the term of one year, and until another person is duly chosen to succeed him; removable, however, at the pleasure of the Mayor and Aldermen, who shall be denominated the Clerk of

the City; and whose duty it shall be to keep a journal of the acts and proceedings of the said Board, composed of the Mayor and Aldermen; to sign all warrants issued by them, and to do such other acts in his said capacity, as may, lawfully and reasonably, be required of him; and to deliver over all journals, books, papers, and documents, entrusted to him as such Clerk, to his successor in office, immediately upon such successor being chosen and qualified as aforesaid, or whenever he may be thereto required by the said Mayor and Aldermen. And the City Clerk thus chosen and qualified, shall have all the powers, Duties of Clerk. and perform all the duties, now by law, belonging to the Town Clerk of the Town of Boston, as if the same were particularly and fully enumerated, except in cases where it is otherwise expressly provided.

SEC. 11. *Be it further enacted,* That the persons, so chosen and qualified, as members of the Common Common Council Council of the said city, shall sit and act together as a separate body, distinct from that of the Mayor and Aldermen, except in those cases in which the two bodies are to meet in convention; and the said Council shall have power, from time to time, to choose one of General powers, their own members to preside over their deliberations, and to preserve order therein, and also to choose a Clerk, who shall be under oath, faithfully to discharge Clerk to be chosen. the duties of his office, who shall hold such office, during the pleasure of said Council, and whose duty it shall be, to attend said Council, when the same is in session, to keep a journal of its acts, votes and proceedings, and to perform such other services in said Duties of Clerk. capacity, as said Council may require. All sittings of the Common Council shall be public; also all sittings of the Mayor and Aldermen, when they are not engaged in executive business. Twenty five members of the Common Council shall constitute a quorum for the transaction of business.

SEC. 12. *Be it further enacted,* That the Mayor of the said city, thus chosen and qualified, shall be taken and deemed to be the chief executive officer of said corporation; and he shall be compensated for his services by a salary, to be fixed by the Board of Aldermen and Common Council, in City Council convened, Compensation of the Mayor.

payable at stated periods; which salary shall not exceed the sum of five thousand dollars annually, and he shall receive no other compensation or emoluments whatever; and no regulations enlarging or diminishing such compensation shall be made, to take effect, until the expiration of the year, for which the Mayor then in office, shall have been elected. And it shall be the duty of the Mayor to be vigilant and active at all times, in causing the laws for the government of said city, to be duly executed and put in force; to inspect the conduct of all subordinate officers in the government thereof, and, as far as in his power, to cause all negligence, carelessness, and positive violation of duty, to be duly prosecuted and punished. He shall have power, whenever in his judgment, the good of said city may require it, to summon meetings of the Board of Aldermen and Common Council, or either of them, although the meeting of said Boards, or either of them, may stand adjourned to a more distant day. And it shall be the duty of the Mayor, from time to time, to communicate to both branches of the City Council, all such information, and recommend all such measures as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort, and ornament of the said city.

Mayor may call meetings of the city officers.

Duties of Mayor.

Definition of Duties.

Licenses.

SEC. 13. *Be it further enacted,* That the administration of police, together with the executive powers of the said corporation generally, together also, with all the powers heretofore vested in the Selectmen of the Town of Boston, either by the general laws of this Commonwealth, by particular laws relative to the powers and duties of said Selectmen, or by the usages, votes, or by-laws of said town, shall be, and hereby are vested in the Mayor and Aldermen, as hereby constituted, as fully and amply, as if the same were herein specially enumerated. And, further, the said Mayor and Aldermen shall have full and exclusive power to grant licenses to innholders, victuallers, retailers and confectioners, within the said city, in all cases wherein the Court of Sessions for the County of Suffolk, on the recommendation of the Selectmen of Boston, have, heretofore, been authorized to grant such licenses; and in granting such licenses, it shall

be lawful for the said Mayor and Aldermen to annex thereto, such reasonable conditions in regard to time, places, and other circumstances, under which such license shall be acted upon, as, in their judgment, the peace, quiet and good order of the city may require. Also, to take bonds of all persons so licensed, in reasonable sums, and with sufficient sureties, conditioned for a faithful compliance with the terms of their said licenses, and of all laws and regulations respecting such licensed houses: And said Mayor and Aldermen, after the granting of any such license, shall have power to revoke or suspend the same, if in their judgment, the order and welfare of said city shall require it. And any person or persons who shall presume to exercise either of the said employments, within said city, without having first obtained a license therefor, or in any manner, contrary to the terms of said license, or after the same shall have been revoked or suspended, such person or persons shall be liable to the same penalties and forfeitures, and to be prosecuted for, in the same manner, as now by law provided, in case of exercising either of said employments without license from the Court of Sessions, for the County of Suffolk; and shall also be taken and deemed to have forfeited their bonds, respectively given aforesaid, upon which suits may be instituted, against such licensed persons or their sureties, at the discretion of said Mayor and Aldermen, and in such manner as they may direct, for the purpose of enforcing such forfeiture: *Provided, however*, that all innholders, retailers, confectioners, and victuallers, shall, on being licensed as aforesaid, pay the same sum now required by law; which sum shall be accounted for in the same way and manner as is now by law required.

License Bonds.

Forfeitures.

SEC. 14. *Be it further enacted*, That the Mayor and Aldermen shall have power to license all theatrical exhibitions and all public shows, and all exhibitions of whatever name or nature, to which admission is obtained on payment of money, on such terms and conditions as to them may seem just and reasonable; and to regulate the same, from time to time, in such manner as to them may appear necessary to preserve order and decorum, and to prevent the interruption of peace and

quiet. And any person or persons who shall set forth, establish or promote any such exhibition or show, or publish, or advertise the same, or otherwise aid or assist therein, without a license so obtained as aforesaid, or contrary to the terms or conditions of such license, or whilst the same is suspended, or after the same is revoked, by said Mayor and Aldermen, shall be liable to such forfeiture, as the City Council may, by any by-law made for that purpose, prescribe.

By-Laws.

Proviso.

Assessment of Taxes.

Proviso.

Collection of Taxes.

SEC. 15. *Be it further enacted*, That all other powers now by law, vested in the Town of Boston, or in the inhabitants thereof, as a municipal corporation, shall be, and hereby are, vested in the Mayor and Aldermen, and Common Council of the said city, to be exercised by concurrent vote, each Board as hereby constituted, having a negative upon the other. More especially, they shall have power to make all such needful and salutary by-laws, as towns by the laws of this Commonwealth have power to make and establish, and to annex penalties, not exceeding twenty dollars, for the breach thereof, which by-laws shall take effect and be in force from and after the times therein respectively limited, without the sanction or confirmation of any court, or other authority whatsoever; *provided*, that such by-laws shall not be repugnant to the Constitution and laws of this Commonwealth: *And, provided, also*, that the same shall be liable to be annulled by the Legislature thereof. The said City Council shall also have power, from time to time, to lay and assess taxes for all purposes for which towns are, by law, required or authorized to assess and grant money, and also for all purposes for which county taxes may be levied and assessed, whenever the city shall alone, compose one county: *Provided, however*, that in the assessment and apportionment of all such taxes upon the polls and estates of all persons liable to contribute thereto, the same rules and regulations shall be observed, as are now established by the laws of this Commonwealth, or may be hereafter enacted, relative to the assessment and apportionment of town taxes.

The said City Council shall also have power to provide for the assessment and collection of such taxes, and to make appropriations of all public monies, and

provide for the disbursement thereof, and take suitable measures to ensure a just and prompt account thereof; and for these purposes, may either elect such Assessors, and Assistant Assessors, as may be needful, or provide for the appointment or election of the same, or any of them, by the Mayor and Aldermen, or by the citizens, as in their judgment, may be most conducive to the public good, and may also require of all persons entrusted with the collection, custody, or disbursement of public monies, such bonds with such conditions and such sureties, as the case may, in their judgments require.

Assessors to be
chosen.

SEC. 16. *Be it further enacted*, That the said City Council shall have power, and they are hereby authorized to provide for the appointment or election of all necessary officers, for the good government of said city, not otherwise provided for; to prescribe their duties, and fix their compensation, and to choose a Register of Deeds, whenever the city shall compose one county. The City Council, also, shall have the care and superintendence of the public buildings, and the care, custody, and management of all the property of the city, with power to lease or sell the same, (except the Common, and Faneuil Hall,) with power also, to purchase property, real or personal, in the name, and for the use of the city, whenever its interest or convenience may, in their judgment, require it.

City Officers.

Public Buildings

SEC. 17. *Be it further enacted*, That all the power and authority now by law, vested in the Board of Health for the Town of Boston, relative to the quarantine of vessels, and relative to every other subject whatsoever, shall be, and the same is hereby transferred to, and vested in the said City Council, to be carried into execution by the appointment of Health Commissioners, or in such other manner as the health, cleanliness, comfort and order of the said city may, in their judgment, require, subject to such alterations as the Legislature may from time to time adopt.

Health Commis-
sioners.

SEC. 18. *Be it further enacted*, That the Mayor and Aldermen of said city, and the said Common Council, shall, as soon as conveniently may be, after their annual organization, meet together in convention, and elect some suitable and trustworthy person, to be the Treasurer of said city.

City Treasurer.

Firewards.

Overseers of the
Poor.School Commit-
tee.

Accountability.

Annual Finan-
cial Statements.

Nominations.

Proviso.

SEC. 19. *Be it further enacted*, That the citizens, at their respective ward meetings, to be held on the second Monday of April, annually, shall elect, by ballot, a number of persons, to be determined by the City Council, but not less than three in each ward, to be Firewards of said city, who together shall constitute the Board of Firewards for said city, and shall have all the powers, and be subject to all the duties, now by law appertaining to the Firewards of the Town of Boston, until the same shall be altered or qualified by the Legislature. And the said citizens shall, at the same time, and in like manner, elect one person in each ward, to be an Overseer of the Poor; and the persons thus chosen shall together constitute the Board of Overseers for said city, and shall have all the powers, and be subject to all the duties, now by law, appertaining to the Overseers of the Poor for the Town of Boston, until the same shall be altered or qualified by the Legislature. And the said citizens shall, at the same time, and in like manner, elect one person in each ward, to be a member of the School Committee, for the said city; and the persons so chosen, shall, jointly with the Mayor and Aldermen, constitute the School Committee for the said city, and have the care and superintendence of the public schools.

SEC. 20. *Be it further enacted*, That all Boards and Officers, acting under the authority of the said corporation, and entrusted with the expenditure of public money, shall be accountable therefor, to the City Council, in such manner as they may direct. And it shall be the duty of the City Council, to publish and distribute, annually, for the information of the citizens, a particular statement of the receipts and expenditures of all public monies, and a particular statement of all city property.

SEC. 21. *Be it further enacted*, That, in all cases in which appointments to office are directed to be made by the Mayor and Aldermen, the Mayor shall have the exclusive power of nomination; such nomination however, being subject to be confirmed or rejected, by the Board of Aldermen: *Provided, however*, that no person shall be eligible to any office, the salary of which is payable out of the city treasury, who at the

time of his appointment, shall be a member either of the Board of Aldermen or Common Council.

SEC. 22. *Be it further enacted,* That it shall be the duty of the two branches of the City Council, in the month of May, in each year, after their annual organization, to meet in convention, and determine the number of Representatives, which it may be expedient for the corporation to send to the General Court in such year, within its constitutional limits, and to publish such determination, which shall be conclusive; and the number thus determined, shall be specified in the warrant calling a meeting for the election of Representatives: and neither the Mayor, nor any Alderman, or Members of the Common Council, shall, at the same time, hold any other office under the City Government.

State Representatives.

SEC. 23. *Be it further enacted,* That all elections for Governor, Lieutenant Governor, Senators, Representatives, Representatives to Congress, and all other officers who are to be chosen and voted for by the people, shall be held at meetings of the citizens, qualified to vote in such elections, in their respective wards, at the time fixed by law for those elections respectively. And at such meetings, all the votes given in, being collected, sorted, counted, and declared, by the Inspectors of Elections, in each ward, it shall be the duty of the Clerk of such ward to make a true record of the same, specifying therein the whole number of ballots given in, the name of each person voted for, and the number of votes for each, expressed in words at length. And a transcript of such record, certified by the Warden, Clerk, and a majority of the Inspectors of Elections in such ward, shall forthwith be transmitted or delivered by each Ward Clerk to the Clerk of the City. And it shall be the duty of the City Clerk forthwith to enter such returns, or a plain and intelligible abstract of them, as they are successively received, in the journals of the proceedings of the Mayor and Aldermen, or in some other book kept for that purpose. And it shall be the duty of the Mayor and Aldermen to meet together within two days after every such election, and examine and compare all the said returns, and thereupon to make out a certificate of the result of such

Ward Meetings
for the choice of
National & State
Officers.

Examination
and return of
votes.

Continued Elec-
tions.

Proviso.

Contingent
clause.

election, to be signed by the Mayor and a majority of the Aldermen, and also by the City Clerk, which shall be transmitted, delivered, or returned, in the same manner as similar returns are by law directed to be made by the Selectmen of towns; and such certificates and returns shall have the same force and effect in all respects, as like returns of similar elections, made by the Selectmen of towns. And in all elections for Representatives to the General Court, in case the whole number proposed to be elected, shall not be chosen by a majority of the votes legally returned, the Mayor and Aldermen shall forthwith issue their warrant for a new election, and the same proceedings shall be had in all respects as are herein before directed, until the whole number shall be elected: *Provided, however,* that it shall be the duty of the Selectmen of the said Town of Boston, within twelve days from the passing of this act, to call a meeting of the qualified voters of the said town to give in their ballots on the following question: Shall the elections for State and United States Officers, be holden in general meeting? And it shall be the duty of the Selectmen to preside at the said meeting, to receive, sort, count and declare the votes given in, and to forward a certificate of the result to the Secretary of the Commonwealth, and publish the same in two or more of the newspapers printed in Boston; and if a majority of the votes so given in shall be in the negative, then the provisions of the preceding part of this section shall regulate the said elections in wards, but if a majority of the votes given, in as aforesaid shall be in the affirmative, then the said elections for State and United States Officers shall be holden in the manner prescribed by the constitution and laws of the Commonwealth, with the exception that the Mayor and Aldermen and City Clerk shall perform the duties now required by law to be performed by the Selectmen and Town Clerk.

SEC. 24. *Be it further enacted,* That prior to every election of city officers, or of any officer or officers under the government of the United States or of this Commonwealth, it shall be the duty of said Mayor and Aldermen to make out lists of all the citizens of each ward, qualified to vote in such election, in the

Ward Lists.

manner in which Selectmen and Assessors of towns are required to make out similar lists of voters, and for that purpose they shall have free access to the Assessors' books and lists, and be entitled to the aid and assistance of all Assessors, Assistant Assessors, and other officers of said city. And it shall be the duty of said Mayor and Aldermen to deliver such list of the voters in each ward, so prepared and corrected, to the Clerk of said ward, to be used by the Warden and Inspectors thereof at such election; and no person shall be entitled to vote at such election, whose name is not borne on such list. And to prevent all frauds and mistakes in such elections, it shall be the duty of the Inspectors in each ward, to take care that no person shall vote at such election, whose name is not so borne on the list of voters, and to cause a mark to be placed against the name of each voter, on such list, at the time of giving in his vote.

Inspection of
electors.

Checks.

SEC. 25. *Be it further enacted*, That general meetings of the citizens qualified to vote in city affairs, may from time to time, be held, to consult upon the common good, to give instructions to their Representatives, and to take all lawful measures to obtain a redress of any grievances, according to the right secured to the people by the constitution of this Commonwealth. And such meetings shall, and may be, duly warned by the Mayor and Aldermen, upon the requisition of fifty qualified voters of said city.

Petitions for
meetings.

SEC. 26. *Be it further enacted*, That all warrants for the meetings of the citizens, for municipal purposes, to be had either in general meetings or in wards, shall be issued by the Mayor and Aldermen, and shall be in such form, and shall be served, executed, and returned at such time, and in such manner, as the City Council may, by any by-law, direct and appoint.

Form of War-
rants.

SEC. 27. *Be it further enacted*, That for the purpose of organizing the system of government hereby established, and putting the same into operation in the first instance, the Selectmen of the Town of Boston, for the time being, shall seasonably, before the second Monday of April next, issue their warrants for calling meetings of the said citizens, in their respective wards, qualified to vote as aforesaid, at such place and hour

Form of organi-
zing the city.

Return of votes.

as they shall think expedient, for the purpose of choosing a Warden, Clerk, and five Inspectors of Elections, and also, to give in their votes for a Mayor and eight Aldermen, for said city, and four Common Councilmen, three Firewards, one Overseer of the Poor, and one member of the School Committee, for each ward; and the transcripts of the records of each ward, specifying the votes given for Mayor and Aldermen, Firewards, Overseers, and members of the School Committee, certified by the Warden, Clerk, and a majority of the Inspectors of such ward shall, at said first election, be returned to the said Selectmen of the Town of Boston, whose duty it shall be, to examine and compare the same. And in case said elections shall not be complete at the first election, then to issue a new warrant, until such election shall be completed, and to give notice thereof, in the manner herein before directed, to the several persons elected. And at said first meeting, the Clerk of each ward, under the present organization, shall call the citizens to order, and preside until a Warden shall be chosen; and at said first meeting, a list of voters in each ward, prepared and corrected by the Selectmen of the Town of Boston, for the time being, shall be delivered to the Clerk of each ward, to be used as herein before directed.

Repeal of act.

SEC. 28. *Be it further enacted*, That so much of the act heretofore passed, relative to the establishment of a Board of Health for the Town of Boston, as provides for the choice of members of the said Board, and so much of the several acts relative to the assessment and collection of taxes within the Town of Boston, as provides for the election of Assistant Assessors, also all such acts, and parts of acts, as come within the purview of this act, and which are inconsistent with, or repugnant to the provisions of this act, shall be, and the same are hereby repealed.

SEC. 29. And whereas by the laws of this Commonwealth, towns are authorized and required to hold their annual meetings, some time in the months of March or April, in each year, for the choice of town officers; and whereas, such meeting, in the month of March, in the present year, for the Town of Boston, would be useless and unnecessarily burthensome, therefore,

Be it further enacted, That the annual town meetings, in the months of March or April, be suspended, and all town officers now in office, shall hold their places until this act shall go into operation. March meetings deferred.

SEC. 30. *Be it further enacted*, That nothing in this act contained, shall be so construed as to restrain or prevent the Legislature from amending or altering the same, whenever they shall deem it expedient. Legislative control.

SEC. 31. *Be it further enacted*, That this act shall be void, unless the inhabitants of the Town of Boston, at a legal town meeting, called for that purpose, shall, by a written vote, determine to adopt the same within twelve days. Conditional clause.

[Approved by the Governor, February 23d, 1822.]

Commonwealth of Massachusetts.

Secretary's Office, April 15th, 1822.

BY THIS I CERTIFY, That the Laws printed in this Pamphlet, passed at the session of the General Court, in January and February last, have been compared with the originals in this Office, and appear to be correct.

A. BRADFORD, *Secretary of the Commonwealth.*

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